EXHIBIT 14



Lafave v. County of Fairfax

Circuit Court of Fairfax County, Virginia
June 23, 2023, Decided
Case No. CL2021-01569

Reporter

2023 Va. Cir. LEXIS 203 *

KIMBERLY LAFAVE, et al., Plaintiffs, v. THE COUNTY OF FAIRFAX, VIRGINIA, et al., Defendants.

Core Terms

preliminary injunction, ordinance, firearms, plaintiffs', right to bear arms, regulation, restrictions, courts, constitutional right, irreparable harm, coextensive, injunction, parties, prong, public interest, circuit court, county park, self-defense, merits, places, gun

Case Summary

Overview

HOLDINGS: [1]- In light of the historical traditions of firearms regulations in parks and at public events, for purposes of the case and the challenge mounted by gun owners under the Virginia Constitution alone, Va. Const. art. I, § 13, the gun owners had not met the first prong of the test for a preliminary injunction regarding a county ordinance restricting firearms in county parks and events, and their ability to succeed on the merits regarding a constitutional challenge to that ordinance; [2]-There was not a likelihood of success. After filing suit, the gun owners delayed for two years before seeking a preliminary injunction. Their likelihood of success on the merits was drawn into question when examining the case under the historical framework provided by the U.S. Supreme Court, given that the gun owners chose to pursue a remedy under the Virginia Constitution alone.

Outcome

Gun owners' motion for preliminary injunction denied.

LexisNexis® Headnotes

Constitutional Law > The Judiciary > Case or Controversy > Constitutionality of Legislation

<u>HN1</u>[♣] Case or Controversy, Constitutionality of Legislation

A plaintiff can only mount a successful facial challenge to a statute by first showing that the statute in question is unconstitutional as applied to him or her, and that the statute in question would not be constitutional in any context.

Civil

Procedure > Remedies > Injunctions > Preliminary & Temporary Injunctions

<u>HN2</u>[♣] Injunctions, Preliminary & Temporary Injunctions

In Virginia, a preliminary injunction is an extraordinary remedy that rests on the sound discretion, judicial discretion to be exercised upon consideration of the nature and circumstances of a particular case. A preliminary injunction is meant to preserve the status quo between the parties during ongoing litigation. The court may contemplate the substance and adequacy of a plaintiffs' factual allegations and also the veracity and magnitude of the asserted harm. Virginia courts typically follow the federal standard for evaluating preliminary injunctive relief. A plaintiff seeking a preliminary injunction must establish first he or she is likely to succeed on the merits. Second, he or she is likely to suffer irreparable harm in the absence of preliminary relief. Third, the balance of the equities tips in his favor, and fourth, the injunction is in the public interest. In evaluating these factors, the court must balance the competing claims of injury and consider the effect on each party of granting or withholding relief.

Injunctions

Constitutional Law > State Constitutional Operation

<u>HN3</u>[♣] Constitutional Law, State Constitutional Operation

An examination of the legislative history surrounding the enactment of Va. Const. art. I, § 13 makes clear that the Virginia General Assembly meant for the plain text of Va. Const. art. I, § 13 to incorporate the right to bear arms in the Virginia Constitution, and that said right was to cover individual conduct, and not a mere militia right.

Constitutional Law > Bill of Rights > Fundamental Rights > Right to Bear Arms

HN4 I Fundamental Rights, Right to Bear Arms

The court must first ask, number one, whether the individual's proposed course of conduct is covered by the plain text of the constitutional amendment, and if yes, then number two, whether the constitution presumptively protects the conduct in the government, must justify the regulation by demonstrating that it is consistent with historical tradition of firearm regulation. There are sensitive places where arms carrying may be prohibited consistent with the Second Amendment, and courts can use analogies to those historical regulations of sensitive places to determine that modern regulations prohibiting the carry of firearms in new or analogous sensitive places are constitutional permissible.

Constitutional Law > Bill of Rights > Fundamental Rights > Right to Bear Arms

HN5 L Fundamental Rights, Right to Bear Arms

A temporary violation of a constitutional right is enough to establish irreparable harm. Further, the constitutional right to bear arms in public for self-defense is not a second-class right, subject to an entirely different body of rules than other guarantees. At any time the government is joined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.

Civil

Procedure > Remedies > Injunctions > Grounds for

HN6 Injunctions, Grounds for Injunctions

The public interest favors enjoining a constitutional violation not allowing the unconstitutional application of a statute to perpetuate.

Counsel: [*1] For Plaintiffs: Christopher M. Day VSB # 37470, Earl N. "Trey" Mayfield, III VSB # 41691, Juris Day, PLLC, Fairfax, Virginia; Stephen P. Halbrook VSB # 18075, Stephen P. Halbrook, Ph.D., Fairfax, Virginia.

For Defendants: Douglas R. Kay (VSB No. 35468), Thomas W. Repczynski (VSB No. 39967), Anders T. Sleight (VSB No. 84458), OFFIT KURMAN, P.C., Tysons Corner, Virginia; Corinne N. Lockett (VSB No. 34824), John W. Burton (VSB No. 42223), Office of the County Attorney, Fairfax, Virginia; William J. Taylor, Jr. (admitted pro hac vice), EVERYTOWN LAW, New York, New York.

Judges: HONORABLE CHRISTIE ANN LEARY, Fairfax County Circuit Court Judge.

Opinion by: Christie Ann Leary

Opinion

ORDER

THIS MATTER came before the Court for a hearing on Plaintiffs' Motion for a Preliminary Injunction on March 20, 2023. After hearing evidence and argument from the parties, the Court took the matter under advisement. On May 24, 2023, upon consideration of the previously submitted pleadings, evidence and argument of counsel, and for the reasons stated from the bench (a transcript of which is attached hereto and incorporated into this Order by this reference), it is hereby

ADJUDGED, ORDERED AND DECREED that the Plaintiffs' Motion for Preliminary [*2] Injunction is DENIED.

IT IS SO ORDERED.

ENTERED this 23 day of June, 2023.

/s/ Christie Ann Leary

Fairfax County Circuit Court Judge

VIRGINIA:

IN THE CIRCUIT COURT FOR COUNTY OF FAIRFAX

KIMBERLY LAFAVE, ET AL,

PLAINTIFF,

VS.

COUNTY OF FAIRFAX, ET AL,

DEFENDANT.

CASE NO. CL2021-1569

JUDGE'S RULING FROM THE

TRIAL BEFORE

THE HONORABLE CHRISTIE ANN LEARY

WEDNESDAY, MAY 24, 2023

9:01 A.M.

FAIRFAX COUNTY COURTHOUSE

4110 CHAIN BRIDGE ROAD

FAIRFAX, VIRGINIA 22030

APPEARANCES

ON BEHALF OF THE PLAINTIFF,

KIMBERLY LAFAVE, ET AL:

EARL N. MAYFIELD, ESQUIRE

JURIS DAY PLLC

10521 JUDICIAL DRIVE

SUITE 200

FAIRFAX, VIRGINIA 22030

TELEPHONE: 703.268.5600

FACSIMILE: 703.268.5602

E-MAIL: TMAYFIELD@JURISDAY.COM

ON BEHALF OF THE DEFENDANT,

COUNTY OF FAIRFAX, ET AL:

DOUGLAS R. KAY, ESQUIRE

OFFIT KURMAN

8000 TOWERS CRESCENT DRIVE

SUITE 1400

TYSONS CORNER, VIRGINIA 22182

TELEPHONE: 703.745.1800

FACSIMILE: 703.745.1835

E-MAIL: DKAY@OFFITKURMAN.COM



ON BEHALF OF THE DEFENDANT,

COUNTY OF FAIRFAX, ET AL:

THOMAS W. REPCZYNSKI, ESQUIRE

OFFIT KURMAN

8000 TOWERS CRESCENT DRIVE

SUITE 1400

TYSONS CORNER, VIRGINIA 22182

TELEPHONE: 703.745.1800

FACSIMILE: 703.745.1835

E-MAIL: TREPCZYNSKI@OFFITKURMAN.COM



ON BEHALF OF THE DEFENDANT,

COUNTY OF FAIRFAX, ET AL:

ANDERS T. SLEIGHT, ESQUIRE

OFFIT KURMAN

8000 TOWERS CRESCENT DRIVE

SUITE 1400

TYSONS CORNER, VIRGINIA 22182

TELEPHONE: [*3] 703.745.1800

FACSIMILE: 703.745.1835

E-MAIL: ANDERS.SLEIGHT@OFFITKURMAN.COM



OTHERS PRESENT:

STEPHEN HALBROOK

WILLIAM TAYLOR

JEANNINE MILLER, PARALEGAL

JUDGE'S RULING FROM THE

TRIAL BEFORE

THE HONORABLE CHRISTIE ANN LEARY

WEDNESDAY, MAY 24, 2023

9:01 A.M.

THE COURT: We are back on the record in the case of LaFave vs. County of Fairfax et al, CL2021-1569. We are here this morning with regards to the Court's ruling from a prior hearing back in March, and I have everybody appearing via Webex. And hopefully everyone can hear me okay, but please let me know if we have any technology issues. So this matter came before the Court from an evidentiary hearing on plaintiffs' request for a preliminary injunction. Trial took place in this matter on March 20, 2023, and at the conclusion of the hearing, the Court took the matter under advisement. Litigation has been ongoing in this case since it began in January of 2021. Most recently,

the Honorable Dontae Bugg denied plaintiffs' motion for summary judgment on November 7, 2022. The instant motion for a preliminary injunction was filed on January 27, 2023. This motion requests enforcement of a Fairfax County ordinance be preliminary enjoined until the case is determined on the merits [*4] at trial. Trial in this matter is set for September 18, 2023.

After review of the evidence submitted, the arguments of counsel, and the applicable law, the Court is now prepared to rule. This matter arises out of an alleged unconstitutionality of a 2020 enacted Fairfax County code provision which limits possession of firearms in certain public areas. On April 22, 2020, the Virginia General Assembly amended and reenacted <u>Virginia Code Section 15.2-915</u>, which provides authority to counties, cities, and towns to enact ordinances which restrict the use of firearms in government buildings and in parks and recreational areas.

Consistent with that statute in September 2020, Fairfax County enacted Code Section 6-2-1A, which is the ordinance at issue in this case. This ordinance mirrors identically the language of the Virginia statute. The two challenged provisions of the ordinance in this case are section 6-2-1A2, which restricts firearms in county parks, otherwise referred to as the parks restriction, and section 6-2-1A4, which restricts firearms at or adjacent to certain events, or referred to by the parties of the events restriction. Fairfax County also adopted an enforcement of policy which prohibits enforcement of the ordinance unless officers first conform, [*5] confirm warning signage posted at any entrances or exits at qualifying locations, and two, attempt to educate and seek voluntary compliance from violators.

On January 29, 2021, plaintiffs filed suit against the County of Fairfax and the county's acting chief of police, collectively referred to as the defendants. The complaint in this case asserts that the Fairfax County ordinance constitutes an ongoing violation of the Virginia individual Constitutional right to bear arms enshrined in the Virginia Constitution at <u>Article 1 Section 13</u>, and the right to due process at <u>Article 1 Section 11</u>.

The named plaintiffs in this case, Robert Holzhauer, Kimberly LaFave, and Glenn Talbon are three individual plaintiffs who are registered gun owners and who reside in Loudoun and Fairfax Counties. The individual plaintiffs each gave a deposition explaining how the ordinance applied to them personally, asserting a violation of their right to carry firearms publicly for self-

defense. Plaintiff LaFave is a dog walker who carries for self-defense, as she often walks through wooded areas. Plaintiff Holzhauer lives surrounded by county-owned properties and was a regular user of Fairfax County parks for physical training and walking his dog. And [*6] plaintiff Talbon would bike through county parks and on county-maintained trails.

Plaintiffs argue that the Fairfax County ordinance at issue is unconstitutional, but as applied and facially. The Virginia Supreme Court has stated that <code>HN1[]</code> a plaintiff can only mount a successful facial challenge to a statute by first showing that the statute in question is unconstitutional as applied to him or her, and that the statute in question would not be constitutional in any context. To this, I'm referring to the <code>Toghill vs.Commonwealth case, 289 Va. 220, 768 S.E.2d 674</code>, a 2015 Virginia Supreme Court case. Based upon the examination of those arguments and relevant case law from both parties, the Court will determine whether it's appropriate to issue a preliminary injunction to prevent enforcement by the defendants of the applicable Fairfax County ordinance.

HN2[1] In Virginia, a preliminary injunction is an extraordinary remedy that rests on the sound discretion, judicial discretion to be exercised upon consideration of the nature and circumstances of a particular case. And for this, the Court is relying on the case of Loudoun County School Board vs. Cross, a 2021 case at WL9276274, and that case is quoting the case of Commonwealth ex. rel. Bowyer vs. Sweet Briar Institute, a 2015 case at WL6364691. A preliminary injunction is meant to preserve [*7] the status quo between the parties during ongoing litigation. The Court may contemplate the substance and adequacy of a plaintiffs' factual allegations and also the veracity and magnitude of the asserted harm. While the Virginia Supreme Court has not set forth a specific framework for evaluating preliminary injunctive relief, Virginia courts typically follow the federal standard, and for this, the Court is relying on the case of Zachary Piper LLC vs. Popelka, 109 Va. Circuit 71, a Fairfax County case from 2021.

A plaintiff seeking a preliminary injunction must establish first he is likely to succeed on the merits. Second, he is likely to suffer irreparable harm in the absence of preliminary relief. Third, the balance of the equities tips in his favor, and fourth, the injunction is in the public interest. In evaluating these factors, the Court must balance the competing claims of injury and consider the effect on each party of granting or withholding relief. The parties in this case are in

agreement as to the standard that is applicable to this Court's analysis of the propriety of a preliminary injunction. The points of disagreement arise from the application of the preliminary injunction framework to the facts of this case, given [*8] the current state of constitutional jurisprudence.

Of significance to this Court is that the plaintiffs combined their constitutional challenge of the ordinance at issue to the Virginia Constitution alone. This attack creates an issue of first impression in the Commonwealth of Virginia in the wake of New York State Rifle & Pistol Association, Incorporated vs. Bruen, 142 Supreme Court 2111, a 2022 case. And in consideration of the sole Virginia precedent analyzing this particular amend, or this particular article of the Virginia Constitution in <u>Digiacinto vs. Rector and Visitors of George Mason University</u>, 281 Va. 127, a 2011 Virginia Supreme Court.

Turning first to the first factor to be analyzed with regards to a preliminary injunction, a preliminary evaluation of the strength of the plaintiffs' claim, whether the ordinance violates the *Virginia Constitution, Article 1 Section 13*, requires this Court to examine the applicable standard to apply when analyzing a constitutional challenge to the right to bear arms encapsulated by the Virginia Constitution. Defendants note that the applicable constitutional analysis under Virginia law is not yet clear due to the new *Second Amendment* framework recently set forth in Bruen.

While it is true that the Virginia Supreme Court has not yet applied the Bruen analysis, two Virginia courts [*9] have held that the right to bear arms under the Virginia Constitution, Article 1 Section 13, is coextensive with the rights guaranteed under the Second Amendment to the U.S. Constitution. Those cases are the case previously mentioned and then a case out of the city of, the Circuit Court of the City of Winchester, Commonwealth VS. Stickley, which WL16950948, a 2022 case. However, with these two cases, one case is distinguishable from this case and the other is not controlling precedent.

This Court does not believe that Digiacinto held that the <u>Second Amendment</u> in <u>Article 1 Section 13 of the Virginia Constitution</u> are coextensive in all circumstances. In Digiacinto, which was prior to the Bruen case, the Supreme Court of Virginia held that the campus of George Mason University qualified as a sensitive place, such that GMU's prohibition of weapons on campus was un, or excuse me, was constitutional.

The Digiacinto court distinguished the GMU campus as a sensitive place, and in Digiacinto, the Virginia Supreme Court reviewed whether the <u>Virginia Constitution, Article 1 Section 13</u>, contained greater or lesser protections to the right to bear arms than that of the <u>Second Amendment of the United States Constitution</u>.

The interpretation of Article 1 Section 13 of the Virginia Constitution was an issue of first impression to the Digiacinto court. For purposes of the analysis of the application of both the Federal and Virginia Constitutions in that case, Digiacinto declined [*10] to hold that the Virginia Constitution provided a greater protection to the Second Amendment and instead found for purposes of the facts relevant to that case alone that the Second Amendment and the Virginia Constitution were coextensive. In doing so, though, this Court notes that the issue is not settled in this case because Digiacinto limited its holdings to the facts of that case. Of note, Digiacinto considered a challenge to both the Second Amendment of the U.S. Constitution as well as Article 1 Section 13 of the Virginia Constitution.

Here, the plaintiffs challenged the Fairfax County ordinance on the grounds of the Virginia Constitution alone. No other case in Virginia precedence has examined Article 1 Section 13 prior to Digiacinto. The only analysis since that case arises from a circuit court opinion out of the city of Winchester. In the case of Stickley vs. the City of Winchester, the circuit court in Winchester applied the Bruen analysis to grant a preliminary injunction enjoining enforcement of a Winchester city ordinance. In that 2022 case, the ordinance at issue in Stickley is virtually identical to that in this Fairfax case, which prohibits firearms in city parks in Winchester and in any public right of way in or adjacent to a permanent event.

The Stickley court issued its ruling granting the preliminary injunction [*11] in a comprehensive letter opinion. The Court found that the plain text of the Virginia Constitution covered the conduct at issue, namely, the desire of an individual to carry firearms for self-defense at public events and public parks. The Stickley court then held that the city had not met its burden under Bruen to demonstrate the restrictions were consistent with tradition.

Nothing in the dicta in Digiacinto regarding public streets or, or excuse me, noting the dicta in Digiacinto regarding public streets and parks, the Stickley court found that locations encompassed by the city ordinance

were not sensitive places within the historical context of firearm regulation. Stickley is one Virginia circuit court's interpretation of the likelihood of success under a claim analogous to the instant case. However, the decision to grant a preliminary injunction rests within the discretion of the Court hearing the evidence in the request. And although Stickley is analogous to this case, it is not dispositive.

Turning to the issue of what rule of law should be employed to analyze the first prong required for this request of a preliminary injunction, this Court believes that the Bruen analysis is required. [*12] HN3[*] An examination of the legislative history surrounding the enactment of Article 1 Section 13 makes clear that the Virginia General Assembly meant for the plain text of Article 1 Section 13 to incorporate the right to bear arms in the Virginia Constitution, and that said right was to cover individual conduct, and not as the defendant suggests, a mere militia right. Therefore, this Court finds that the Bruen analysis should apply.

Under Bruen's two-step analysis, <code>HN4[]</code> this Court must first ask, number one, whether the individual's proposed course of conduct is covered by the plain text of the constitutional amendment, and if yes, then number two, whether the constitution presumptively protects the conduct in the government, must justify the regulation by demonstrating that it is consistent with historical tradition of firearm regulation. Bruen emphasized that there are sensitive places where arms carrying may be prohibited consistent with the <code>Second Amendment</code> in that case, and citing that courts can use analogies to those historical regulations of sensitive places to determine that modern regulations prohibiting the carry of firearms in new or analogous sensitive places are constitutional permissible.

With regard to the first prong of the Bruen analysis, [*13] this Court finds that the plaintiffs have established that the first prong has been met. As a result, the burden now shifts to the defendants to establish whether the ordinance in this case is consistent with the nation's, or excuse me, with Virginia's historical tradition of firearms regulation and not throughout the United States. In addressing this historical analysis, the United States Supreme Court in Bruen explained that historical sources are relevant because the Constitution's meaning is fixed according to the understandings of those who ratified it. And that's Bruen at page 2132.

But when it comes to interpreting the Constitution, not

all history is created equal. The United States Supreme Court itself has declared that constitutional rights are enshrined with the scope they were understood, to have understood by the people who adopted them, and that's Bruen quoting the Heller case at 554 U.S. 634 and 5. Much discussion has been undertaken in Bruen as to the operable period in history to apply to the needed historical analysis with the justices debating in Bruen whether courts should use 1791, the date of the adoption of the Second Amendment of the U.S. Constitution, or 1868, the date of the adoption of the Fourteen Amendment to the U.S. Constitution, making the Bill of Rights applicable to the states as [*14] the appropriate historical timeline.

Whereas here, the plaintiffs challenge not the Second or Fourteenth Amendments but the Virginia Constitution. The Virginia Constitution at issue here, Article 1 Section 13, was adopted in 1971. Plaintiffs assert that pursuant to Digiacinto, the Second Amendment of the U.S. Constitution and Article 1 Section 13 of the Virginia Constitution are coextensive, and therefore the application of the Bruen case and the historical analysis required is limited reconstruction era laws. This Court, however, is not persuaded by this logic.

With respect to this case, the operable period of history for purposes of the analysis that is required in this case should be 1971, which is when the Virginia Legislature chose to adopt the right to bear arms in Article 1 Section 13. To review historical tradition according to 1791, the date on which the Second Amendment was adopted, or 1868, the date on which the Fourteenth Amendment was adopted, apply in the Second Amendment to the states, would ignore the fact that the Virginia General Assembly chose to wait nearly 100 years before incorporating the right to bear arms into the Virginia Constitution. It makes no sense to suggest that the Virginia Legislature would have bound themselves to an understanding of the Virginia Constitution that they did not share when they enacted Article 1 Section 13 in 1971.

In its analysis, the Stickley court [*15] in Winchester analyzed the procedural history of the enactment of Article 1 Section 13. In doing so, the Court reviewed the extensive debate amongst the then-sitting legislature as to the effect of Virginia's enactment of the right to bear arms, as well as the existing Second and *Fourteenth Amendments of the U.S. Constitution*, and the impact on Virginia to continue to enact reasonable gun legislation. These debates occurred in the late 1960s, and this

timeframe is of significance to this Court given Bruen, in which the Supreme Court has placed heavy emphasis on the need for historical introspection of the existence of gun legislation. This Court's review of the applicable legislative history associative of the enactment of Article 1 Section 13 does not leave this Court to conclude that the analysis of the productions of Article 1 Section 13, nor the ability to regulate gun control in the Commonwealth of Virginia should be confined identically to the historical timeframe afforded to the Second Amendment or the Fourteenth Amendment of the U.S. Constitution.

This case challenges only the constitutional application of the Virginia Constitution. Plaintiffs would have this Court rule that Digiacinto established that even in the absence of a challenge to the Second Amendment, this Court must find that the Virginia and Federal Constitutions are coextensive for this analysis, [*16] and therefore that this Court is bound to analyze this case as it would a challenge to the Second Amendment, thus confining any historical analysis undertaken to the period of 1791 when the Second Amendment was enacted. Such a conclusion ignores the legislative history of the enactment of Article 1 Section 13 and draws a conclusion not specifically set forth in the prior Digiacinto case. In making this conclusion, this Court finds that for purposes of the facts of this case, Article 1 Section 13 and the Second Amendment are not coextensive when applying the historical analysis required in the wake of Bruen.

Regarding the second step in Bruen, defendants have provided a lengthy and detailed compilation of state and local laws prohibiting firearms in parks. In addition to the federal compendium and regulation dating back to the 1600s up through the 1960s at the time of the amendment of the Virginia Constitution, to provide for a right to bear arms. See specifically the appendix B of defendant's motion in opposition to this request for a preliminary injunction. In Stickley, the Court in Winchester found that the city had failed to demonstrate that its restrictions were analogous to traditional historical restrictions. However, the support cited by the government in Stickley [*17] was apparently limited to excerpts from the legislative debate on Article 1 Section 13, and an example that Virginia prohibited firearms in state parks from at least 1965 to 2012.

The defendants in this case have provided a much more extensive compilation. With regard to the applicable historical analysis, this Court incorporates by reference appendix B to their opposition to this motion for a

preliminary injunction, which provides a historical review of applicable laws which predate 1971 and the enactment of Article 1 Section 13. Based upon a thorough examination of the historical sources cited, ample historical basis exists for the prohibition of firearms in public parks and at public events consistent with that sought in the applicable Fairfax ordinance. The defendants have met their burden to demonstrate that the firearms restrictions in the Fairfax ordinance are consistent with historical tradition.

In the words of the Bruen court, cases implicating unprecedented societal concerns dramatic technological changes may require a more nuanced approach. Parks in the modern sense did not come into being until the mid-19th century, as the modern concept of a public park emerged in the 19th and 20th century. There are numerous [*18] examples of legislation designed to limit the right to carry weapons in such spaces. In examination of the unique characteristics of county parks as covered through the testimony of various witnesses at the trial of this preliminary injunction reveal that Fairfax County, in Fairfax County the majority of visitors to the parks include families and attending athletic events, educational programming, and family-oriented events. Such uses make the parks more akin to a sensitive place like a school or recreation center.

The Court in this opinion does not need to analyze or reach the issue of whether the county parks fall within the sensitive places doctrine. First, there is no Virginia Supreme Court jurisprudence commanding such a decision on the issue, but second, this Court is not reaching that analysis for purposes of a decision on the request for a preliminary injunction. But certainly, the Digiacinto court left open the argument on that issue when considering restrictions on George Mason University. In light of the historical traditions of firearms regulations in parks and at public events, this Court finds that for purposes of this specific case and the challenge mounted by [*19] the plaintiffs under the Virginia Constitution alone, the plaintiffs have not yet met the first prong of the test for a preliminary injunction regarding the Fairfax ordinance and their ability to succeed on the merits regarding a constitutional challenge to that ordinance.

Turning to the second prong of irreparable harm, Virginia courts have held that HN5 a temporary violation of a constitutional right is enough to establish irreparable harm, and the Court relies on the case of Lynchburg Range & Training vs. Northam, which is 105

Va. Circuit 159, a 2020 case. Further, as the U.S. Supreme Court has recently noted in Bruen, the constitutional right to bear arms in public for self-defense is not a second-class right, subject to an entirely different body of rules than other guarantees, and that's Bruen at 2156. The government, on the other hand, the potential harm to the defendants if the injunction is granted is clear, at any time the government is joined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury, and that's citing to the <u>Maryland vs. King case, 567 U.S. 1301 in 2012, 133 S. Ct. 1, 183 L. Ed. 2d 667.</u>

Here, the plaintiffs waited to seek a preliminary injunction until January 2023, two years after the suit was originally filed **[*20]** and only eight months before the current trial date. Courts often deny preliminary injunctive relief when a party substantially delays moving for a preliminary junction because such delay reflects a lack of irreparable harm. At first glance, the filing timeline of plaintiffs' motion undermines their claim for irreparable harm, and for this, the Court relies on the Clint's case at 872 F. 2nd, page 80.

Because a preliminary injunction is promised on an urgent need to protect the rights of the plaintiff, a delay in seeking relief suggests that it's not necessary. However, the plaintiffs' delay in seeking the relief in this case was at least partially due to their strategic decision to first seek summary judgment, which was denied relatively recently in November 2022. The trial date was originally set for November of 2022 before being continued to September of this year. The Court is not persuaded that the delay in raising the preliminary injunction operates a bar as to the conclusion for irreparable harm, and on this point, the plaintiffs would carry the day.

With respect to the balance of equities under this factor, the plaintiffs must demonstrate that the harm to them before the trial [*21] on the merits without the requested relief would be greater than the harm to the county. For this, the Court relies on the King case at <u>567 U.S. 1303</u>.

(WHEREUPON, the Court conferred with someone in the courtroom.)

THE COURT: The court reporter? I think we've lost the court reporter. We don't see her on the screen. Does anybody else see her on theirs?

MR. HALBROOK: Yes.

MR. KAY: I see her on there.

MR. HALBROOK: She's here.

CLERK: She's back.

THE COURT: Okay, never mind.

Sorry.

MR. KAY: No worries.

THE COURT: We lost her on our end, I guess. So turning back to the public interest factor, analogous to the discussion, Virginia courts have held that HN6 1 the public interest favors enjoining a constitutional violation not allowing the unconstitutional application of a statute to perpetuate, and for that the Court relies on Elhert vs. Settle, 105 Va. Circuit 544, a 2020 case. Here, the public interest factor is disputed as follows. The plaintiffs argue that because there is a constitutional right to publicly carry a firearm for selfdefense, it is in the public interest to preserve this right and grant the injunction. Then defendants respond that the ordinance was designed to protect public safety and reduce the gun violence, so an injunction would not [*22] be against public interest. On this factor, with respect to the weighing of both the plaintiff and the defendant's claim, the Court finds that the plaintiff would carry the day as to the public interest associated with the potential constitutional right.

But after an examination of all the factors with respect to a preliminary injunction, the Court finds that the plaintiff has not met their burden to establish a right to this extraordinary remedy based upon the Court's belief that there is not a likelihood of success as to the first prong of the preliminary injunction review. And as a result, the Court, this Court is denying the request for a preliminary injunction. After filing suit in 2021, the plaintiffs delayed for two years before making this request, and in assessing the plaintiffs' likelihood of success on the merits, this is drawn into question when examining this case under the historical framework provided by the U.S. Supreme Court, given that the plaintiffs have chosen to pursue a remedy under the Virginia Constitution alone.

So that is the Court's ruling. Are there any questions as to my ruling?

MR. KAY: I don't have, we don't have any questions on our side. Do you want us [*23] to prepare an order, Judge? Or are you going to prepare one?

THE COURT: I would appreciate if you would prepare one, Mr. Kay, and if you could circulate it to counsel and then you can file it through chambers.

MR. KAY: Will do.

MR. MAYFIELD: Nothing from plaintiffs, Your Honor.

THE COURT: Thank you. And given that I have no questions from anyone, I will go ahead and adjourn for the morning, and I hope you-all enjoy the rest of your week.

MR. MAYFIELD: Thank you, Your Honor.

MR. KAY: Have a nice week.

THE COURT: Thank you.

MR. HALBROOK: Thank you.

Goodbye.

THE COURT: Same to you.

(WHEREUPON, the JUDGE'S RULING was concluded at 9:27 a.m.)

CAPTION

The foregoing matter was taken on the date, and at the time and place set out on the title page hereof.

It was requested that the matter be taken by the reporter and that the same be reduced to typewritten form.

CERTIFICATE OF REPORTER AND SECURE ENCRYPTED SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT

I, Cheryl Renee Lane, Notary Public, do hereby certify that the foregoing matter was reported by stenographic and/or mechanical means, that same was reduced to written form, that the transcript prepared by me under my direction, is a true and accurate record [*24] of same to the best of my knowledge and ability; that there is no relation nor employment by any attorney or counsel employed by the parties hereto, nor financial or otherwise interest in the action filed or its outcome.

This transcript and certificate have been digitally signed and securely delivered through our encryption server.

IN WITNESS HEREOF, I have here unto set my hand this 25TH day of MAY, 2023.

Cheryl Renee Lane

Court Reporter / Notary

Notary Registration Number: 7864242

LaFave, et al. s	rs Fairfax, et al. Judge's Rulin;	May 24, 2023 VR # 01	3181-9
LaFave, et al. v 1 1 7:18 7:19 11:12 11:24 12:11 12:22 13:1 13:17 13:22 15:15 15:17 18:1 18:4 18:15 19:2 19:5 19:19 19:21 20:15 20:19 21:14 21:24	s Fairfax, et al. Judge's Rulin 1600s 21:3 1791 17:16 18:16 20:13 18 6:3 1868 17:18 18:17 1960s 19:13 21:3 1965 21:16 1971 18:2	9 May 24, 2023 VR #01 20th 22:15 2111 10:25 2132 17:4 2156 24:10 22 6:10 220 8:21 24 5:4 27 5:24 281 11:5	9:01 5:5 9:27 29: A a.m 5:5 ability 19:22 2 absence 20:6
100 18:21 105 24:4 26:22 109 9:23 11 7:19 127 11:5 13 7:18 11:12 11:24 12:11 12:22 13:2 13:17 13:23 15:15 15:17 18:2 18:5 18:15	18:13 19:2 21:24 19th 22:15 2 20 5:16 2011 11:5 2012 21:16 24:17 2015 8:21 9:12 2020 6:8 6:11 6:18 24:5 26:23	289 8:21 29 7:10 2nd 25:4 5 5 17:12 544 26:23 554 17:11 567 24:17 26:1 6 6-2-1A 6:19	accordin 17:2 18 acting 7 addition 21:1 addressi 16:23 adequacy 9:16 adjacent 14:9 adjourn 28:21
19:2 19:5 19:20 19:22 20:15 20:19 21:14 21:25 1301 24:17 1303 26:1 142 10:24 15.2-915 6:12 159 24:5	2021 5:20 7:10 9:9 9:24 27:23 2022 5:22 10:25 12:5 12:5 14:5 25:13 25:14 2023 5:4 5:17 5:24 6:3 24:19	6-2-1A2 6:23 6-2-1A4 6:25 634 17:12 7 7 5:22 71 9:24 80 25:4 872 25:3	adopt 18 adopted 17:10 1 18:17 1 adoption 17:17 1 advisemen 5:18 afforded 19:24

LaFave, et al. v	s Fairfax, et al. Judge's Ruling	May 24, 2023 VR # 01:	3181-9 Page 33
against 7:11	16:10	11:17 17:21	12:23 15:18
27:7	analogous	19:18 21:19	16:8 18:14
agreement	15:3 15:7	21:23 22:4	18:22 19:9
10:11	16:13 21:10	application	21:5 24:7
ahead 28:21	26:17	10:14 13:5	article 7:18
	analysis	18:6 20:3	7:19 11:3
akin 23:1	10:12 11:17	26:21	11:12 11:24
al 5:8	11:22 13:4	applied 8:1	12:11 12:22
allegations	13:24 14:3	8:13 8:17	13:1 13:17
9:17	15:13 15:22	11:21 14:2	13:22 15:15
alleged 6:7	15:23 16:16	apply 11:13	15:17 18:1 18:4 18:14
allowing	16:24 17:15	15:22 17:14	19:2 19:5
26:20	18:7 18:12	18:18	19:19 19:21
	19:3 19:21 20:9 20:12	applying	20:15 20:19
alone 10:21 13:10 13:21	20:21 21:19	20:21	21:14 21:24
23:18 28:5	23:9	appreciate	Assembly
	analyze	28:12	6:11 15:16
amend 11:2	15:10 20:10	approach	18:20
amended 6:11	23:4	22:12	assert 18:3
amendment			
11:19 12:1	analyzed 11:8 19:4	appropriate	asserted 9:18
12:10 12:24		8:24 17:21	
13:8 13:10	analyzing	April 6:10	asserting
13:16 16:2	11:2 11:14	areas 6:10	8:1
16:9 17:17	ANN 5:3	6:16 8:5	asserts 7:14
17:19 18:4	anybody 26:6	argue 8:11	assessing
18:17 18:18 18:19 19:25	anyone 28:20	26:25	27:24
20:1 20:6	apparently	argument	associated
20:11 20:13	21:13	23:12	27:11
20:20 21:4		arguments	Association
Amendments	appearing 5:11	6:5 8:22	10:24
17:25 19:10		arise 10:14	associative
amongst 19:7	appendix		19:19
-	21:6 21:20	arises 6:7	
ample 22:1	applicable	13:24	athletic 22:24
analogies	6:6 9:1	arms 7:17	
	10:11 11:13	11:15 11:23	attack 10:21
		A 555	





855.667.0077 VETERANREPORTERS.COM





Case 1:23-cv-01605-WBP Document 19-14 Filed 01/05/24 Page 12 of 67 PageID# 382 Page 11 of 17

2023 Va. Cir. LEXIS 203, *24

LaFave, et al. v	vs Fairfax, et al. Judge's Ruling	May 24, 2023 VR # 01	3181-9	LaFave, et al. v	rs Fairfax, et al. Judge's Ruling	May 24, 2023 VR # 01	13181-9 Page 35
attempt 7:8	14:18 15:12	9:24 10:10	6:22 13	CL2021-1569	7:13	considering	8 13:6 20:8
attending	15:22 16:7	10:16 10:25	challeng	5:8	compliance	23:12	Constitution
22:24	16:16 16:25 17:3 17:11	12:2 12:3 12:5 12:6	20:2	claim 11:10	7:9	consistent	's 17:1
authority	17:13 17:11	12:5 12:6	chambers	15:3 25:2	comprehensiv	6:17 14:19	contained
6:13	18:7 19:14	13:6 13:10	28:15	27:9	e 14:12	16:5 16:8	12:22
	20:22 20:24	13:13 13:15	changes	claims 10:8	concept	16:20 22:3	contemplate
В	22:9 24:6	13:21 13:24	22:11	clear 11:18	22:14	22:7	9:15
balance 10:4	24:10	14:1 14:5	characte	15:15 24:13	concerns	constitutes	context 8:19
10:7 25:20	Bruen's	14:7 15:4	ics 22:	CLERK 26:11	22:10	7:15	15:1
bar 25:17	15:23	15:8 16:9 16:20 17:11	chief 7:	Clint's 25:3	conclude	constitution	continue
based 8:22	Bugg 5:21	18:7 18:10	children		19:20	7:17 10:21 11:3 11:11	19:11
21:25 27:17	buildings	18:12 20:2	22:24	6:12 6:18	concluded	11:16 11:24	continued
basis 22:2	6:15	20:10 20:17			29:5	12:1 12:11	25:14
bear 7:16	burden 14:18	20:19 21:17	chose 18 18:20	coextensive 11:25 12:12	conclusion	12:21 12:25	control
11:15 11:23	16:18 22:5	23:17 24:3		13:11 18:6	5:17 20:14	13:2 13:7	19:22
12:23 15:18	27:16	24:5 24:17	chosen 2	20:8 20:20	20:16 20:18	13:11 13:17	
18:14 18:22		25:3 25:10 25:25 26:23	CHRISTIE	collectively	25:18	13:18 13:21	controlling 12:8
19:9 21:5	С	28:25 26:23	circuit	7:12	conduct	14:13 15:18 16:3 17:6	
24:7	campus 12:15	cases 12:2	12:3 13		14:14 15:20	17:18 17:20	counsel 6:5 28:14
belief 27:18	12:17 12:19	12:6 22:10	14:2 15	10.10	15:25 16:4	17:25 18:1	20121
believe 12:9	carries 8:4		24:4 26		conferred	18:4 18:5	counties
believes	carry 8:2	center 23:2	circulat		26:2	18:23 19:1	6:13 7:24
15:12	14:15 16:13	century	28:14	commanding 23:7	confined	19:10 20:1	county 5:7 5:25 6:9
bike 8:9	22:17 25:19	22:14 22:15	circumst		19:23	20:4 21:4 23:18 28:5	6:18 6:24
Bill 17:20	27:1 27:10	certain 6:10	8 9:7 1	8:20 9:11	confining		7:3 7:11
Board 9:9	carrying	7:2	cited 21	10:22 12:4	20:11	constitution al 7:16	7:14 8:8
	16:8	certainly	22:1	19:23	confirm 7:6	8:19 10:17	8:10 8:12
body 24:9	case 5:7	23:11	cities 6	compendium	conform 7:6	10:19 11:14	9:2 9:9
bound 18:24	5:19 6:1 6:20 6:23	challenge	citing 1	21:2	consider	11:17 12:18	9:24 13:20 22:19 22:22
20:9	7:14 7:20	8:15 10:20 11:14 13:16	24:16	competing	10:8	16:1 16:14	22:19 22:22
Bowyer 9:11	8:20 8:21	17:24 20:6	city 12:	10:8	consideratio	17:8 20:3	25:24
Briar 9:11	8:23 9:7	20:10 23:17	12:4 13	compilation	n 9:6 11:1	23:22 24:1	county-
Bruen 10:24	918 919	23:23	14:1 14 14:8 14	20:25 21:18	considered	24:7 26:19 27:1 27:12	maintained
11:19 11:21	9:10 9:10	challenged	14:0 14	complaint	13:15	Constitution	8:10
12:13 14:2	9:12 9:23		11121 1		10110	constitution	

VETERAN REPORTERS



855.667.007 VETERANREPORTERS.CO VETERAN REPORTERS



Case 1:23-cv-01605-WBP Document 19-14 Filed 01/05/24 Page 13 of 67 PageID# 383 Page 12 of 17

2023 Va. Cir. LEXIS 203, *24

LaFave, et al. v	rs Fairfax, et al. Judge's Ruling	May 24, 2023 VR # 013181-9 LaFave, et al. vs Fairfax, et al. Judge's Ruling		May 24, 2023 VR # 013181-9 Page 37			
county-owned	26:22 27:9	debate 19:7	demonstr	15:6	else 26:6	entrances	examine
8:6	27:15 27:20	21:14	g 16:5	discussion	emerged	7:7	11:13
county's	27:21 28:3	debates	denied 5	17:12 26:17	22:15	equal 17:7	examined
7:12	28:12 28:19	19:12	25:12	dispositive	emphasis	equities	13:22
course 15:25	29:1 29:4	debating	deny 24:	15:8	19:15	10:5 25:21	examining
court 5:6	courtroom	17:15	denying	disputed	emphasized	era 18:8	28:1
5:14 5:18	26:3	decision	27:21	26:24	16:7		example
6:6 8:14	courts 9:21	15:4 23:7			employed	establish	21:15
8:21 8:23	11:22 16:10	23:9 25:11	depositi 7:25	ble 12:7	15:10	10:1 16:19 24:2 27:16	examples
9:8 9:15	17:16 23:25	declared					22:16
9:19 9:22	26:18	17:8	designed	-	enact 6:14	established	
10:7 10:18	court's 15:2	declined	22:16 2	d 12:19	19:11	16:17 20:5	excerpts 21:13
10:25 11:6	Courts 24:22	13:6	desire 1	doctrine	enacted 6:8	et 5:8	
11:12 11:21	Court's 5:9		detailed	23:6	6:18 19:2	evaluating	excuse 12:17
12:3 12:9 12:14 12:18	10:12 19:17	defendant 15:20	20:25	dog 8:4 8:9	20:13 24:14	9:20 10:7	14:21 16:21
12:21 13:4	27:17 28:6		determin	Dontae 5:21	enactment	evaluation	exercised
13:12 13:25	cover 15:19	defendants	8:24 16	dramatic	15:14 19:5	11:9	9:6
14:2 14:10	covered	7:13 9:1	determin		19:8 19:19	event 14:9	existence
14:12 14:17	14:14 16:1	16:19 20:24 21:17 22:5	6:1	drawn 28:1	20:15 21:24	events 7:2	19:17
14:23 15:6	22:19	24:12 27:4	dicta 14		encapsulated	7:3 14:16	existing
15:12 15:21	created 17:6		14:22	draws 20:15	11:15	22:3 22:24	19:9
15:24 16:16		defendant's 21:6 27:9		due 7:18	encompassed	22:25 23:15	exists 22:2
16:25 17:7	creates		differen 24:9	11:18 25:10	14:24	everybody	exits 7:7
18:9 19:4	10:21	Defendants		during 9:14	enforcement	5:10	
19:6 19:14 19:15 19:20	Cross 9:9	11:16	Digiacin		5:25 7:4		explained
20:4 20:7	current	defense	11:4 12	Ξ	7:5 8:25	everyone 5:11	16:25
20:9 20:18	10:16 24:21	14:16	12:13 1 12:20 1	educate 7:8	14:4		explaining
21:8 21:20	l	delay 24:24	13:6 13	educational	enjoined 6:1	evidence 6:4	7:25
22:9 23:3	D	25:7 25:9	13:15 1	22:24	enjoining	15:6	extensive
23:7 23:8	date 17:16	25:16	14:20 1	effect 10:9	14:4 26:19	evidentiary	19:6 21:18
23:11 23:16	17:18 18:16	delayed	18:3 20		enjoy 28:22	5:14	extraordinar
24:3 24:6	18:17 24:21	27:23	20:17 2	effectuating		ex 9:11	y 9:4 27:17
24:14 25:3	25:13	delays 24:23	disagree	24:14	enshrined 7:17 17:9	examination	l
25:15 25:25 26:2 26:4	dating 21:2	demonstrate	10:14			8:22 15:13	F
2612 2614	day 25:19	14:18 21:9	discreti	eight 24:21	entirely 24:9	21:25 22:18	facial 8:15
26:12 26:15	27:10	22:6 25:22	9:5 9:5	Elhert 26:22	29:9	27:13	facially
20112 20110							

VETERAN REPORTERS



855.667.007 VETERANREPORTERS.CO VETERAN REPORTERS



Case 1:23-cv-01605-WBP Document 19-14 Filed 01/05/24 Page 14 of 67 PageID# 384 Page 13 of 17

2023 Va. Cir. LEXIS 203, *24

LaFave, et al. v	s Fairfax, et al. Judge's Ruling	May 24, 2023 VR # 01	3181-9	LaFave, et al. v	s Fairfax, et al. Judge's Rulin	May 24, 2023 VR # 01	3181-9 Page 39
8:13	7:11 24:20	framework	24:10	21:23 22:1	10:22 13:3	instant 5:23	24:19
fact 18:20	filing 25:1	9:19 10:15	guess 26	22:1 22:7	include	15:4	joined 24:13
factor 11:7	27:22	11:19 28:2	grun 7:23	23:14 28:2	22:23	instead 13:9	Judge 28:10
25:21 26:17	finds 15:21	G	19:12 1	history	incorporate	Institute	JUDGE'S 5:1
26:24 27:7	16:16 20:18	General 6:11	19:22 2	15:14 17:6 17:14 18:11	15:17	9:12	29:5
factors 10:7	23:16 27:9 27:15	15:16 18:20		19:5 19:18	Incorporated	interest	judgment
27:14		George 11:4	HALBROOK	20:14	10:24	10:6 26:17	5:22 25:12
facts 10:15	firearm 15:1	12:15 23:13		hold 13:7	incorporates	26:19 26:24	judicial 9:5
13:9 13:14	16:6 27:1	given 10:16	29:2	holdings	21:20	27:2 27:7 27:11	junction
20:19	firearms	19:14 28:3	hand 24:	_	incorporatin		24:24
factual 9:16	6:10 6:15 6:24 7:1	28:19			g 18:21	interpretati	
failed 21:9	8:2 14:7	glance 24:25	harm 9:1 10:3 23		individual	on 13:1 15:2	jurisprudenc e 10:17
Fairfax 5:8	14:15 16:13	Glenn 7:21	24:2 24		7:16 7:22		23:7
5:25 6:8	16:22 21:1		24:25 2	28:24	7:24 14:15	interpreting	
6:18 7:3	21:15 22:2	GMU 12:19	25:18 2		15:19	17:5	justices 17:15
7:11 7:14	22:6 23:14	GMU's 12:16	25:24	Honorable 5:3 5:21	individual's	introspectio	
7:24 8:7	first 7:6	Goodbye 29:3	hear 5:1		15:25	n 19:16	justify 16:4
8:11 9:1	8:16 10:1	government	hearing	hope 28:21	injunction	irreparable	
9:24 13:20 14:7 22:4	10:22 11:7	6:15 16:4	5:14 5:	hopefully	5:15 5:23	10:3 23:25	Kay 26:9
22:7 22:21	11:7 13:3	21:12 24:11	15:6	5:11	8:25 9:4	24:2 24:16 24:25 25:2	26:14 28:8
22:22 23:21	15:10 15:24 16:15 16:17	24:13	heavy 19		9:13 10:1	25:18	28:13 28:16
fall 23:5	23:6 23:19	grant 14:3	held 11:	identical	10:6 10:13	issue 6:19	28:25
families	24:25 25:11	15:4 27:3	12:10 1		14:3 14:11	8:12 8:24	Kimberly
22:23	27:19	granted	14:17 2		15:5 15:12	10:20 10:22	7:21
	fixed 17:2	24:12	26:18	6:20 19:24	21:8 21:22	13:3 13:13	King 24:17
family- oriented	form 24:15	granting	Heller 1		22:21 23:10	14:6 14:14	25:25
22:25		10:9 14:11	historic	rduore 10:15	23:20 24:12	15:9 18:1	
favor 10:5	forth 9:19 11:19 20:16	greater	14:25 1	ignores	24:19 25:5 25:17 27:3	23:4 23:8	L
		12:22 13:8	16:11 1	20:14	27:6 27:15	23:12	lack 24:25
favors 26:19	Fourteen 17:19	25:24	16:24 1	I'm 8:19	27:20 27:22	issued 14:10	LaFave 5:7
federal 9:21		grounds	17:14 1	impact 19:11	injunctive	issues 5:13	7:21 8:3
13:5 20:8	Fourteenth 17:24 18:18	13:20	18:7 18	implicating	9:20 24:22		language
21:2	17:24 18:18	guaranteed	19:16 1 20:12 2	22:10	injury 10:8	J	6:21
file 28:14		11:25	20:12 2	impression	24:16	January 5:20	late 19:13
filed 5:24	fourth 10:5	guarantees	21.11 4	_	2	5:24 7:10	

VETERAN REPORTERS



855.667.007 VETERANREPORTERS.CO

VETERAN REPORTERS



Case 1:23-cv-01605-WBP Document 19-14 Filed 01/05/24 Page 15 of 67 PageID# 385 Page 14 of 17

2023 Va. Cir. LEXIS 203, *24

LaFave, et al. v	s Fairfax, et al. Judge's Ruling	May 24, 2023 VR # 013181-9 LaFave, et a		LaFave, et al. v	vs Fairfax, et al. Judge's Ruling May 24, 2023 VR # 013181-9 Page 4		3181-9 Page 41
law 6:6 8:23	lives 8:6	mentioned	nearly 1	operates	14:23 21:1	16:7 16:11	13:22
11:18 15:10	LLC 9:23	12:2	necessar	25:17	21:16 22:3	16:14 23:5	precedent
laws 18:8	local 20:25	mere 15:21	25:8	opinion	22:12 22:19	plain 14:13	11:1 12:8
20:25 21:23		merits 6:2	nice 28:	13:25 14:12	22:23 23:1 23:5 23:15	15:16 16:1	predate
LEARY 5:3	locations	10:2 23:22	nor 19:2	23:3		plaintiff	21:24
least 21:16	7:8 14:24	25:23 27:25		opposition	partially	8:3 8:5 8:9	preliminary
25:10	logic 18:9	met 14:18	Northam	21:7 21:21	25:10	8:14 9:25	5:15 5:23
	lost 26:5	16:18 22:5	note 11:	order 28:10	particular	25:7 27:8	6:1 8:25
leave 19:20	26:15	23:19 27:16	13:15	ordinance	9:7 11:2	27:10 27:15	9:3 9:13
legislation	Loudoun 7:23	mid-19th	noted 24		11:3	plaintiffs	9:20 9:25
19:12 19:17	9:8	22:13	notes 13		parties 7:2	5:15 5:21	10:4 10:13
22:16	Lynchburg			7:5 7:15	8:23 9:14	7:10 7:20	10:15 11:8
legislative	24:3	militia 15:21	Nothing	811 8112	10:10	7:22 7:24	11:9 14:3
15:14 19:18			14:20 2	9:2 10:20	party 10:9	8:11 9:16	14:11 15:5
20:14 21:14	М	mind 26:12	noting 1	11:11 13:20	24:23	10:19 11:10	15:11 21:7
legislature	magnitude	mirrors 6:20	November	14:5 14:5	people 17:10	13:19 16:17 17:23 18:2	21:22 22:21 23:10 23:20
18:13 18:24	9:17	modern 16:12	5:22 25		24:15	20:4 23:17	24:19 24:22
19:7	majority	22:12 22:14	25:14	22:4 22:7	period 17:13	23:19 24:18	24:24 25:5
lengthy	22:22	months 24:21	nuanced	23:21 23:23	18:11 20:12	25:1 25:9	25:17 27:14
20:24	March 5:10		22:12	27:4	permanent	25:19 25:21	27:19 27:22
lesser 12:22	5:16	morning 5:9 28:21	numerous	ordinances	14:9	26:25 27:23	prepare
letter 14:12	Maryland		22:16	6:14		27:25 28:3	28:10 28:11
	24:17	motion 5:21		originally	permissible 16:14	28:18	28:13
light 23:14		5:23 5:24	- 0	24:20 25:13		please 5:12	prepared 6:6
likelihood	Mason 11:5	21:6 21:21 25:1	occurred	otherwise	perpetuate	point 25:19	-
15:3 27:18	12:15 23:13		19:13	6:24	26:21	points 10:13	pre-
27:25	matter 5:13	mount 8:15	officers	owners 7:23	personally		reconstruct ion 18:8
likely 10:1	5:16 5:18	mounted	official		8:1	police 7:12	
10:2	6:2 6:7	23:17		P	persuaded	policy 7:4	preserve
limit 22:17	may 5:4 9:15	moving 24:23	okay 5:1 26:12	page 17:4	18:9 25:16	Popelka 9:23	9:13 27:3
limited	16:8 22:11			25:4	physical 8:8	possession	presumptivel
13:14 18:8	MAYPIELD	N	ongoing	park 22:14	Piper 9:23	6:9	y 16:3
21:13	28:17 28:23	namely 14:14	7:15 9:	parks 6:15			prevent 8:25
limits 6:9	meaning 17:2	nation's	open 23:	6:24 6:25	Pistol 10:24	posted 7:7	previously
	meant 9:13	16:21	operable		placed 19:15	potential	12:2
1itigation 5:19 9:15	15:16	nature 9:6	17:13 1	14:8 14:16	places 14:25	24:11 27:11	prior 5:10
2:13 3:12	20120					precedence	prior 5:10

VETERAN REPORTERS



855.667.007 VETERANREPORTERS.CO

VETERAN REPORTERS



Case 1:23-cv-01605-WBP Document 19-14 Filed 01/05/24 Page 16 of 67 PageID# 386 Page 15 of 17

2023 Va. Cir. LEXIS 203, *24

LaFave, et al. v	rs Fairfax, et al. Judge's Ruling	May 24, 2023 VR # 01	13181-9	LaFave, et al. :	vs Fairfax, et al. Judge's Ruling	May 24, 2023 VR # 01	-
12:13 13:23	12:23	qualifying	6:12	17:1	27:8 27:14	29:5	24:19 25:11
20:17	protects	7:7	referenc	relief 9:20	respond 27:4		seeking 9:25
procedural	16:3	question	21:20	10:4 10:10	rest 28:22	safety 27:5	25:7 25:9
19:4	provide 21:5	8:17 8:18	referred	24:22 25:8	restrict	-	self 14:15
process 7:19	provided	28:1	6:24 7:	25:10 25:23	6:14	school 9:9	self-defense
productions	13:7 20:24	questions	7:13	relies 24:3	restriction	23:2	8:3 8:4
19:21	21:18 28:2	28:7 28:9	referrin	25:3 25:25	6:25 7:3	scope 17:9	24:8 27:2
programming	provides	28:20	8:20	26:22	restrictions	screen 26:6	sense 18:23
22:25	6:13 21:22	quo 9:14	reflects	relying 9:8	14:19 21:10	second 10:2	22:12
prohibited	provision	quoting 9:10	24:24	9:22	21:11 22:6	11:18 12:1	sensitive
16:8 21:15	6:9	17:11	regard 1	remedy 9:4	23:13	12:10 12:24	12:16 12:19
prohibiting	provisions		21:19	27:17 28:4	restricts	13:8 13:10	14:25 16:7
16:12 21:1	6:22	R	regardin	reporter	6:23 7:1	13:16 16:9	16:11 16:13
prohibition	public 6:10	raising	14:21 1	26:4 26:5	rests 9:4	17:17 17:24	23:1 23:5
12:16 22:2	10:6 14:8	25:16	20:23 2	representati	15:5	18:3 18:16 18:19 19:9	September
prohibits	14:16 14:16	Range 24:3	23:22	ves 24:15	result 16:18	19:25 20:6	6:3 6:18
7:5 14:7	14:21 14:22	ratified	regards	request 5:15	27:20	20:11 20:13	25:15
promised	22:3 22:3	17:3	11:8	15:7 15:11	reveal 22:21	20:20 20:23	Settle 26:22
25:6	22:14 23:15	reach 23:4	register	21:7 23:10		23:8 23:24	settled
prong 15:11	24:7 26:16 26:18 26:23	reaching	7:23	27:21 27:24	review 6:4	second-class	13:13
16:15 16:17	27:2 27:5	23:8	regular	requested	18:15 19:18 21:23 27:20	24:8	share 19:1
23:19 23:24	27:7 27:10	reasonable	regulate	25:23		section 6:12	She's 26:10
27:19	publicly 8:3	19:12	19:22	requests	reviewed 12:21 19:6	6:19 6:23	26:11
properties	27:1	recently	regulati	5:24		6:25 7:18	shifts 16:18
8:7	purposes	5:20 11:19	15:1 16	require	Rifle 10:23	7:19 11:12	showing 8:16
proposed	13:4 13:9	24:6 25:12	16:6 16	22:11	rights 11:25	11:24 12:11	_
15:25	18:11 20:18	record 5:7	21:2	required	17:8 17:20	13:17 13:23	signage 7:6
propriety	23:9 23:16	recreation	regulati	15:11 15:13	25:7	15:15 15:17	significance
10:12	pursuant	23:2	16:11 1		Robert 7:21	18:2 18:5	10:18 19:14
protect 25:6	18:3	recreational	23:15	20:21	rule 6:7	18:15 19:2	societal
27:5	pursue 28:4	6:16	rel 9:11		15:9 20:5	19:5 19:19	22:10
protection	F-32040 5111	Rector 11:4	relative	11:12	rules 24:9	19:21 20:15	sole 11:1
13:8	Q	reduce 27:5	25:12	reside 7:23	ruling 5:1	20:19 21:14	someone 26:2
protections	qualified		relevant		5:9 14:11	seek 7:8	Sorry 26:13
protections	12:15	reenacted	8:23 13	18:10 25:20	28:6 28:7	Seek 7:0	
							4

VETERAN REPORTERS



855.667.007 VETERANREPORTERS.CO

VETERAN REPORTERS



Case 1:23-cv-01605-WBP Document 19-14 Filed 01/05/24 Page 17 of 67 PageID# 387 Page 16 of 17

2023 Va. Cir. LEXIS 203, *24

	s Fairfax, et al. Judge's Ruling				s Fairfax, et al. Judge's Ruling		3181-9 Page 45
sought 22:4	strategic	10:25 11:6	15:21 1	26:16	11:5 12:15	10:21 10:23	
sound 9:5	25:11	11:21 12:14	20:9	two-step	23:13	11:1 11:3	wait 18:21
sources 17:1	streets	12:20 16:25 17:7 19:15	Third 10	15:23	unless 7:5	11:5 11:11 11:15 11:17	
22:1	14:21 14:22	23:6 24:5	thorough	typically	unprecedente	11:15 11:17	waited 24:18
spaces 22:17	strength	28:3	21:25	9:21	d 22:10	11:23 12:11	wake 10:23
-	11:10	surrounded	througho		upon 8:22	12:14 12:20	20:22
specific 9:19 23:16	subject 24:8	8:6	16:23	Ü	9:6 21:25	12:21 13:2	walker 8:4
	submitted		thus 20:	U.S 12:1	27:17	13:5 13:7	walking 8:8
specifically	6:5	surrounding 15:14	timefram	13:17 17:12	urgent 25:6	13:11 13:18	walks 8:5
20:16 21:6	substance		19:13 1	17:17 17:19 18:4 19:10	user 8:7	13:21 13:22	
standard	9:16	Sweet 9:11		20:1 24:5	user o./	14:13 15:2 15:16 15:18	warning 7:6
9:22 10:11		т	timeline 17:22 2	24:17 26:1		17:25 18:1	weapons
11:13	substantiall y 24:23	Talbon 7:22		28:3	Va 8:21 9:24	18:5 18:13	12:17 22:17
state 10:16	-	8:9	tips 10:	un 12:17	11:5 24:4	18:20 18:22	Webex 5:11
10:23 20:25	succeed 10:2		Toghill		26:23	18:24 18:25	WEDNESDAY
21:16	23:22	technologica 1 22:11	towns 6:	unconstituti onal 8:12	various	19:11 19:23	5:4
stated 8:14	success 15:3		traditio	8:17 26:20	22:20	20:3 20:7	week 28:22
states 12:24	27:18 27:25	technology	14:19 1		veracity	21:4 21:15	28:25
16:23 16:24	successful	5:13	16:22 1	unconstituti	9:17	23:6 23:18	weighing
17:7 17:21	8:15	temporary	22:8	onality 6:8	via 5:11	23:25 26:18 28:4	27:8
18:19	suffer 10:3	24:1	traditio	undermines	724 0122		we've 26:5
status 9:14	suffers	test 23:20	21:11	25:1	violates	Virginia's	
statute 6:17	24:15	testimony	traditio	understandin	11:11	16:21 19:8	Whereas
6:21 8:16	suggest	22:19	23:14	g 18:25	violation	virtually	17:23
8:16 8:18	18:23	text 14:13	trails 8	understandin	7:15 8:2	14:6	WHEREUPON
26:21	suggests	15:17 16:1		gs 17:2	24:1 26:20	visitors	26:2 29:5
statutes	15:20 25:8	Thank 28:19	training 24:4	understood	violators	11:4 22:23	whether 8:24
24:14	suit 7:11	28:23 29:1		17:9 17:10	7:9	voluntary	11:10 12:21
step 20:23	24:20 27:22	29:2	trial 5:	undertaken	violence	7:9	15:24 16:2 16:19 17:16
Stickley		theirs 26:7	5:16 6: 6:2 22:	17:13 20:12	27:6	vs 5:7 8:20	23:4
12:5 14:1	summary 5:22 25:11	themselves	24:21 2	unique 22:18	Virginia	9:9 9:11	
14:6 14:10		18:25	25:23	United 12:24	6:11 6:12	9:23 10:24	Winchester 12:4 13:25
14:17 14:23	support		true 11:	16:23 16:24	6:21 7:16	11:4 12:4	14:1 14:2
15:1 15:7	21:12	then-sitting		17:7	7:17 8:13 8:21 9:3	14:1 24:4	14:4 14:8
19:3 21:8	Supreme 8:14		turning		9:18 9:21	24:17 26:22	19:4 21:8
21:12	8:21 9:18	therefore	15:9 23	University	9110 9121		

VETERAN REPORTERS



855.667.007 VETERANREPORTERS.CO VETERAN REPORTERS



Case 1:23-cv-01605-WBP Document 19-14 Filed 01/05/24 Page 18 of 67 PageID# 388 Page 17 of 17

2023 Va. Cir. LEXIS 203, *24

LaFave, et al. v	s Fairfax, et al. Judge's Ruling	May 24, 2023	VR#013181-9	Page 46
withholding				
10:9				
witnesses				
22:20				
WL16950948				
12:5				
WL6364691				
9:12				
WL9276274				
9:10				
wooded 8:5				
worries				
26:14				
Y				
yet 11:18				
11:21 23:19				
York 10:23				
you-all				
28:22				
Zachary 9:23				

VETERAN REPORTERS



855.667.0077 VETERANREPORTERS.COM

End of Document

VIRGINIA: IN THE FAIRFAX COUN	NTY CIRCUIT COURT
KIMBERLY LAFAVE, et al. <i>Plaintiffs</i> ,)
v.) Case No. CL2021-01569
THE COUNTY OF FAIRFAX, VIRGINIA, et al. Defendants.	.)
ORDE	DER

THIS MATTER came before the Court for a hearing on Plaintiffs' Motion for a Preliminary Injunction on March 20, 2023. After hearing evidence and argument from the parties, the Court took the matter under advisement. On May 24, 2023, upon consideration of the previously submitted pleadings, evidence and argument of counsel, and for the reasons stated from the bench (a transcript of which is attached hereto and incorporated into this Order by this reference), it is hereby

ADJUDGED, ORDERED AND DECREED that the Plaintiffs' Motion for Preliminary Injunction is DENIED.

Fairfax County Circuit Court Judge

SEEN AND OBJECTED TO FOR THE REASONS STATED IN PLAINTIFFS' MEMORANDA AND ON THE RECORD:

Audylie M Lay Christopher M. Day VSB # 37470

Earl N. "Trey" Mayfield, III VSB #41691

Juris Day, PLLC

10521 Judicial Drive, Suite 200

Fairfax, Virginia 22030

Tel. (703) 268-5600

cmday@jurisday.com

Co-Counsel for Plaintiffs

and

Stephen P. Halbrook VSB # 18075

Stephen P. Halbrook, Ph.D.

3925 Chain Bridge Road, Suite 403

Fairfax, Virginia 22030 Voice: (703) 352-7276

protell@aol.com

Co-Counsel for Plaintiffs

SEEN AND OBJECTED TO THE FINDING OF PLAINTIFFS' IRREPARABLE HARM, THE BALANCE OF THE EQUITIES FAVORS PLAINTIFFS, AND THAT THE PUBLIC INTEREST WOULD BE SERVED BY GRANTING A PRELIMINARY INJUNCTION, AND FOR THE REASONS STATED IN DEFENDANTS' MEMORANDUM AND ON THE RECORD:

Douglas R. Kay (VSB No. 35468)

Thomas W. Repczynski (VSB No. 39967)

Anders T. Sleight (VSB No. 84458)

OFFIT KURMAN, P.C.

8000 Towers Crescent Drive, Suite 1400

Tysons Corner, Virginia 22182

Telephone: (703) 745-1800 Facsimile: (703) 745-1835 dkay@offitkurman.com

trepczynski@offitkurman.com anders.sleight@offitkurman.com

Co-Counsel for Defendants

and

Corinne N. Lockett (VSB No. 34824)
John W. Burton (VSB No. 42223)
Office of the County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035
Telephone: (703) 324-2421
Facsimile: (703) 324-2665
Corinne.Lockett@fairfaxcounty.gov
John.Burton@fairfaxcounty.gov

Co-Counsel for Defendants

and

William J. Taylor, Jr. (admitted pro hac vice)
EVERYTOWN LAW
450 Lexington Avenue #4184
New York, New York 10017
Telephone: (646) 324-8215
wtaylor@everytown.org
Co-Counsel for Defendants

4862-8189-1431, v. 1



VIRGINIA:

IN THE CIRCUIT COURT FOR COUNTY OF FAIRFAX

KIMBERLY LAFAVE, ET AL,

PLAINTIFF,

DEFENDANT.

VS. CASE NO. CL2021-1569

COUNTY OF FAIRFAX, ET AL,

JUDGE'S RULING FROM THE TRIAL BEFORE THE HONORABLE CHRISTIE ANN LEARY

WEDNESDAY, MAY 24, 2023 9:01 A.M.

FAIRFAX COUNTY COURTHOUSE 4110 CHAIN BRIDGE ROAD FAIRFAX, VIRGINIA 22030

855.667.0077
 540.667.4114

VETERANREPORTERS.COM

1 **APPEARANCES** 2 ON BEHALF OF THE PLAINTIFF, 3 KIMBERLY LAFAVE, ET AL: 4 EARL N. MAYFIELD, ESQUIRE JURIS DAY PLLC 5 6 10521 JUDICIAL DRIVE 7 SUITE 200 8 FAIRFAX, VIRGINIA 22030 TELEPHONE: 703.268.5600 FACSIMILE: 703.268.5602 10 11 E-MAIL: TMAYFIELD@JURISDAY.COM 12 13 ON BEHALF OF THE DEFENDANT, 14 COUNTY OF FAIRFAX, ET AL: 15 DOUGLAS R. KAY, ESQUIRE 16 OFFIT KURMAN 17 8000 TOWERS CRESCENT DRIVE 18 SUITE 1400 19 l TYSONS CORNER, VIRGINIA 22182 20 TELEPHONE: 703.745.1800 21 FACSIMILE: 703.745.1835 E-MAIL: DKAY@OFFITKURMAN.COM 22 23 24 25





1 APPEARANCES 2 ON BEHALF OF THE DEFENDANT, 3 COUNTY OF FAIRFAX, ET AL: 4 THOMAS W. REPCZYNSKI, ESQUIRE OFFIT KURMAN 5 6 8000 TOWERS CRESCENT DRIVE 7 SUITE 1400 TYSONS CORNER, VIRGINIA 22182 8 TELEPHONE: 703.745.1800 9 10 FACSIMILE: 703.745.1835 11 E-MAIL: TREPCZYNSKI@OFFITKURMAN.COM 12 13 ON BEHALF OF THE DEFENDANT, 14 COUNTY OF FAIRFAX, ET AL: 15 ANDERS T. SLEIGHT, ESQUIRE 16 OFFIT KURMAN 17 8000 TOWERS CRESCENT DRIVE 18 SUITE 1400 19 TYSONS CORNER, VIRGINIA 22182 20 TELEPHONE: 703.745.1800 21 FACSIMILE: 703.745.1835 22 E-MAIL: ANDERS.SLEIGHT@OFFITKURMAN.COM 23 24 25





1	APPEARANCES
2	OTHERS PRESENT:
3	STEPHEN HALBROOK
4	WILLIAM TAYLOR
5	JEANNINE MILLER, PARALEGAL
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	





JUDGE'S RULING FROM THE 1 2 TRIAL BEFORE 3 THE HONORABLE CHRISTIE ANN LEARY 4 WEDNESDAY, MAY 24, 2023 5 9:01 A.M. 6 THE COURT: We are back on the 7 record in the case of LaFave vs. County of 8 Fairfax et al, CL2021-1569. We are here this morning with regards to the Court's ruling from a 10 prior hearing back in March, and I have everybody 11 appearing via Webex. And hopefully everyone can 12 hear me okay, but please let me know if we have 13 any technology issues. So this matter came 14 before the Court from an evidentiary hearing on 15 plaintiffs' request for a preliminary injunction. 16 Trial took place in this matter on March 20, 17 2023, and at the conclusion of the hearing, the 18 Court took the matter under advisement. 19 Litigation has been ongoing in this case since it 20 began in January of 2021. Most recently, the 21 Honorable Dontae Bugg denied plaintiffs' motion 22 for summary judgment on November 7, 2022.



23

24

25



instant motion for a preliminary injunction was

filed on January 27, 2023. This motion requests

enforcement of a Fairfax County ordinance be

preliminary enjoined until the case is determined on the merits at trial. Trial in this matter is set for September 18, 2023.

After review of the evidence submitted, the arguments of counsel, and the applicable law, the Court is now prepared to rule. This matter arises out of an alleged unconstitutionality of a 2020 enacted Fairfax County code provision which limits possession of firearms in certain public areas. On April 22, 2020, the Virginia General Assembly amended and reenacted Virginia Code Section 15.2-915, which provides authority to counties, cities, and towns to enact ordinances which restrict the use of firearms in government buildings and in parks and recreational areas.

September 2020, Fairfax County enacted Code

Section 6-2-1A, which is the ordinance at issue
in this case. This ordinance mirrors identically
the language of the Virginia statute. The two
challenged provisions of the ordinance in this
case are section 6-2-1A2, which restricts
firearms in county parks, otherwise referred to
as the parks restriction, and section 6-2-1A4,





which restricts firearms at or adjacent to certain events, or referred to by the parties of the events restriction. Fairfax County also adopted an official enforcement of policy which prohibits enforcement of the ordinance unless officers first conform, confirm warning signage posted at any entrances or exits at qualifying locations, and two, attempt to educate and seek voluntary compliance from violators.

On January 29, 2021, plaintiffs filed suit against the County of Fairfax and the county's acting chief of police, collectively referred to as the defendants. The complaint in this case asserts that the Fairfax County ordinance constitutes an ongoing violation of the Virginia individual Constitutional right to bear arms enshrined in the Virginia Constitution at Article 1 Section 13, and the right to due process at Article 1 Section 11.

The named plaintiffs in this case,
Robert Holzhauer, Kimberly LaFave, and Glenn
Talbon are three individual plaintiffs who are
registered gun owners and who reside in Loudoun
and Fairfax Counties. The individual plaintiffs
each gave a deposition explaining how the





1 ordinance applied to them personally, asserting a 2 violation of their right to carry firearms 3 publicly for self-defense. Plaintiff LaFave is a 4 dog walker who carries for self-defense, as she 5 often walks through wooded areas. Plaintiff Holzhauer lives surrounded by county-owned 6 7 properties and was a regular user of Fairfax 8 County parks for physical training and walking And plaintiff Talbon would bike through his dog. 10 county parks and on county-maintained trails. 11 Plaintiffs argue that the Fairfax 12 County ordinance at issue is unconstitutional, 13 but as applied and facially. The Virginia 14 Supreme Court has stated that a plaintiff can 15 only mount a successful facial challenge to a 16 statute by first showing that the statute in 17 question is unconstitutional as applied to him or 18 her, and that the statute in question would not 19 be constitutional in any context. To this, I'm 20 referring to the Toghill vs. Commonwealth case, 21 289 Va. 220, a 2015 Virginia Supreme Court case. 22 Based upon the examination of those arguments and 23 relevant case law from both parties, the Court 24 will determine whether it's appropriate to issue 25 a preliminary injunction to prevent enforcement





by the defendants of the applicable Fairfax 1 2 County ordinance. 3 In Virginia, a preliminary 4 injunction is an extraordinary remedy that rests 5 on the sound discretion, judicial discretion to be exercised upon consideration of the nature and 6 7 circumstances of a particular case. And for 8 this, the Court is relying on the case of Loudoun 9 County School Board vs. Cross, a 2021 case at 10 WL9276274, and that case is quoting the case of 11 Commonwealth ex. rel. Bowyer vs. Sweet Briar 12 Institute, a 2015 case at WL6364691. 13 preliminary injunction is meant to preserve the 14 status quo between the parties during ongoing 15 litigation. The Court may contemplate the 16 substance and adequacy of a plaintiffs' factual 17 allegations and also the veracity and magnitude 18 of the asserted harm. While the Virginia Supreme 19 Court has not set forth a specific framework for 20 evaluating preliminary injunctive relief, 21 Virginia courts typically follow the federal 22 standard, and for this, the Court is relying on 23 the case of Zachary Piper LLC vs. Popelka, 109



24

25



Va. Circuit 71, a Fairfax County case from 2021.

A plaintiff seeking a preliminary

injunction must establish first he is likely to succeed on the merits. Second, he is likely to 3 suffer irreparable harm in the absence of preliminary relief. Third, the balance of the equities tips in his favor, and fourth, the injunction is in the public interest. In 6 evaluating these factors, the Court must balance the competing claims of injury and consider the effect on each party of granting or withholding relief. The parties in this case are in agreement as to the standard that is applicable 12 to this Court's analysis of the propriety of a 13 preliminary injunction. The points of 14 disagreement arise from the application of the preliminary injunction framework to the facts of 16 this case, given the current state of 17 constitutional jurisprudence. Of significance to this Court is 19 that the plaintiffs combined their constitutional challenge of the ordinance at issue to the Virginia Constitution alone. This attack creates 22 an issue of first impression in the Commonwealth 23 of Virginia in the wake of New York State Rifle & 24 Pistol Association, Incorporated vs. Bruen, 142 25 Supreme Court 2111, a 2022 case. And in



1

2

4

5

7

8

9

10

11

15

18

20

21



1 consideration of the sole Virginia precedent 2 analyzing this particular amend, or this 3 particular article of the Virginia Constitution in Digiacinto vs. Rector and Visitors of George 5 Mason University, 281 Va. 127, a 2011 Virginia 6 Supreme Court. 7 Turning first to the first factor 8 to be analyzed with regards to a preliminary 9 injunction, a preliminary evaluation of the 10 strength of the plaintiffs' claim, whether the 11 ordinance violates the Virginia Constitution, 12 Article 1 Section 13, requires this Court to 13 examine the applicable standard to apply when 14 analyzing a constitutional challenge to the right 15 to bear arms encapsulated by the Virginia 16 Constitution. Defendants note that the 17 applicable constitutional analysis under Virginia 18 law is not yet clear due to the new Second 19 Amendment framework recently set forth in Bruen. 20 While it is true that the Virginia 21 Supreme Court has not yet applied the Bruen 22 analysis, two Virginia courts have held that the 23 right to bear arms under the Virginia 24 Constitution, Article 1 Section 13, is 25 coextensive with the rights guaranteed under the





Second Amendment to the U.S. Constitution. 1 2 cases are the case previously mentioned and then 3 a case out of the city of, the Circuit Court of the City of Winchester, Commonwealth vs. 4 5 Stickley, which is 2022 WL16950948, a 2022 case. 6 However, with these two cases, one case is 7 distinguishable from this case and the other is 8 not controlling precedent. 9 This Court does not believe that 10 Digiacinto held that the Second Amendment in 11 Article 1 Section 13 of the Virginia Constitution 12 are coextensive in all circumstances. 13 Digiacinto, which was prior to the Bruen case, 14 the Supreme Court of Virginia held that the 15 campus of George Mason University qualified as a 16 sensitive place, such that GMU's prohibition of 17 weapons on campus was un, or excuse me, was 18 constitutional. The Digiacinto court 19 distinguished the GMU campus as a sensitive 20 place, and in Digiacinto, the Virginia Supreme 21 Court reviewed whether the Virginia Constitution, 22 Article 1 Section 13, contained greater or lesser 23 protections to the right to bear arms than that 24 of the Second Amendment of the United States 25 Constitution.





The interpretation of Article 1 Section 13 of the Virginia Constitution was an 3 issue of first impression to the Digiacinto court. For purposes of the analysis of the 4 5 application of both the Federal and Virginia Constitutions in that case, Digiacinto declined 6 7 to hold that the Virginia Constitution provided a 8 greater protection to the Second Amendment and instead found for purposes of the facts relevant 10 to that case alone that the Second Amendment and the Virginia Constitution were coextensive. 12 In doing so, though, this Court notes that the 13 issue is not settled in this case because 14 Digiacinto limited its holdings to the facts of 15 that case. Of note, Digiacinto considered a 16 challenge to both the Second Amendment of the 17 U.S. Constitution as well as Article 1 Section 13 of the Virginia Constitution. 19 Here, the plaintiffs challenged the Fairfax County ordinance on the grounds of 21 the Virginia Constitution alone. No other case 22 in Virginia precedence has examined Article 1 23 Section 13 prior to Digiacinto. The only 24 analysis since that case arises from a circuit 25 court opinion out of the city of Winchester. In



1

2

11

18

20



the case of Stickley vs. the City of Winchester, the circuit court in Winchester applied the Bruen analysis to grant a preliminary injunction enjoining enforcement of a Winchester city ordinance. In that 2022 case, the ordinance at issue in Stickley is virtually identical to that in this Fairfax case, which prohibits firearms in city parks in Winchester and in any public right of way in or adjacent to a permanent event.

The Stickley court issued its ruling granting the preliminary injunction in a comprehensive letter opinion. The Court found that the plain text of the Virginia Constitution covered the conduct at issue, namely, the desire of an individual to carry firearms for selfdefense at public events and public parks. The Stickley court then held that the city had not met its burden under Bruen to demonstrate the restrictions were consistent with tradition.

Nothing in the dicta in Digiacinto regarding public streets or, or excuse me, noting the dicta in Digiacinto regarding public streets and parks, the Stickley court found that locations encompassed by the city ordinance were not sensitive places within the historical





context of firearm regulation. Stickley is one 1 2 Virginia circuit court's interpretation of the 3 likelihood of success under a claim analogous to the instant case. However, the decision to grant 4 5 a preliminary injunction rests within the discretion of the Court hearing the evidence in 6 7 the request. And although Stickley is analogous 8 to this case, it is not dispositive. 9 Turning to the issue of what rule 10 of law should be employed to analyze the first 11 prong required for this request of a preliminary 12 injunction, this Court believes that the Bruen 13 analysis is required. An examination of the 14 legislative history surrounding the enactment of 15 Article 1 Section 13 makes clear that the 16 Virginia General Assembly meant for the plain 17 text of Article 1 Section 13 to incorporate the 18 right to bear arms in the Virginia Constitution, 19 and that said right was to cover individual 20 conduct, and not as the defendant suggests, a 21 mere militia right. Therefore, this Court finds 22 that the Bruen analysis should apply. 23 Under Bruen's two-step analysis, 24 this Court must first ask, number one, whether

VETERAN REPORTERS

25



the individual's proposed course of conduct is

1 covered by the plain text of the constitutional 2 amendment, and if yes, then number two, whether 3 the constitution presumptively protects the conduct in the government, must justify the 4 5 regulation by demonstrating that it is consistent with historical tradition of firearm regulation. 6 7 Bruen emphasized that there are sensitive places 8 where arms carrying may be prohibited consistent with the Second Amendment in that case, and 10 citing that courts can use analogies to those 11 historical regulations of sensitive places to 12 determine that modern regulations prohibiting the 13 carry of firearms in new or analogous sensitive 14 places are constitutional permissible. 15 With regard to the first prong of 16 the Bruen analysis, this Court finds that the 17 plaintiffs have established that the first prong 18 has been met. As a result, the burden now shifts 19 to the defendants to establish whether the 20 ordinance in this case is consistent with the 21 nation's, or excuse me, with Virginia's 22 historical tradition of firearms regulation and 23 not throughout the United States. In addressing 24 this historical analysis, the United States 25 Supreme Court in Bruen explained that historical





sources are relevant because the Constitution's 1 meaning is fixed according to the understandings 2 3 of those who ratified it. And that's Bruen at page 2132. 5 But when it comes to interpreting 6 the Constitution, not all history is created 7 equal. The United States Supreme Court itself has declared that constitutional rights are 8 enshrined with the scope they were understood, to 10 have understood by the people who adopted them, and that's Bruen quoting the Heller case at 554 12 U.S. 634 and 5. Much discussion has been 13 undertaken in Bruen as to the operable period in 14 history to apply to the needed historical 15 analysis with the justices debating in Bruen 16 whether courts should use 1791, the date of the 17 adoption of the Second Amendment of the U.S. 18 Constitution, or 1868, the date of the adoption 19 of the Fourteen Amendment to the U.S. 20 Constitution, making the Bill of Rights 21 applicable to the states as the appropriate historical timeline. 22 23 Whereas here, the plaintiffs 24 challenge not the Second or the Fourteenth



25

4

11



Amendments but the Virginia Constitution.

The

1 Virginia Constitution at issue here, Article 1 2 Section 13, was adopted in 1971. Plaintiffs 3 assert that pursuant to Digiacinto, the Second Amendment of the U.S. Constitution and Article 1 4 5 Section 13 of the Virginia Constitution are coextensive, and therefore the application of the 6 7 Bruen case and the historical analysis required 8 is limited to pre-reconstruction era laws. This 9 Court, however, is not persuaded by this logic. 10 With respect to this case, the 11 operable period of history for purposes of the 12 analysis that is required in this case should be 13 1971, which is when the Virginia Legislature 14 chose to adopt the right to bear arms in Article 15 1 Section 13. To review historical tradition 16 according to 1791, the date on which the Second 17 Amendment was adopted, or 1868, the date on which 18 the Fourteenth Amendment was adopted, apply in 19 the Second Amendment to the states, would ignore 20 the fact that the Virginia General Assembly chose 21 to wait nearly 100 years before incorporating the 22 right to bear arms into the Virginia 23 Constitution. It makes no sense to suggest that 24 the Virginia Legislature would have bound 25 themselves to an understanding of the Virginia





Constitution that they did not share when they enacted Article 1 Section 13 in 1971.

In its analysis, the Stickley court in Winchester analyzed the procedural history of the enactment of Article 1 Section 13. In doing so, the Court reviewed the extensive debate amongst the then-sitting legislature as to the effect of Virginia's enactment of the right to bear arms, as well as the existing Second and Fourteenth Amendments of the U.S. Constitution, and the impact on Virginia to continue to enact reasonable gun legislation. These debates occurred in the late 1960s, and this timeframe is of significance to this Court given Bruen, in which the Supreme Court has placed heavy emphasis on the need for historical introspection of the existence of gun legislation. This Court's review of the applicable legislative history associative of the enactment of Article 1 Section 13 does not leave this Court to conclude that the analysis of the productions of Article 1 Section 13, nor the ability to regulate gun control in the Commonwealth of Virginia should be confined identically to the historical timeframe afforded to the Second Amendment or the Fourteenth



1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24



Amendment of the U.S. Constitution. 1 2 This case challenges only the 3 constitutional application of the Virginia 4 Constitution. Plaintiffs would have this Court 5 rule that Digiacinto established that even in the absence of a challenge to the Second Amendment, 6 7 this Court must find that the Virginia and Federal Constitutions are coextensive for this 8 analysis, and therefore that this Court is bound 10 to analyze this case as it would a challenge to 11 the Second Amendment, thus confining any 12 historical analysis undertaken to the period of 13 1791 when the Second Amendment was enacted. 14 a conclusion ignores the legislative history of 15 the enactment of Article 1 Section 13 and draws a 16 conclusion not specifically set forth in the 17 prior Digiacinto case. In making this 18 conclusion, this Court finds that for purposes of 19 the facts of this case, Article 1 Section 13 and 20 the Second Amendment are not coextensive when 21 applying the historical analysis required in the 22 wake of Bruen. 23 Regarding the second step in 24 Bruen, defendants have provided a lengthy and 25 detailed compilation of state and local laws





1 prohibiting firearms in parks. In addition to 2 the federal compendium and regulation dating back 3 to the 1600s up through the 1960s at the time of the amendment of the Virginia Constitution, to 4 5 provide for a right to bear arms. specifically the appendix B of defendant's motion 6 in opposition to this request for a preliminary 8 injunction. In Stickley, the Court in Winchester 9 found that the city had failed to demonstrate 10 that its restrictions were analogous to traditional historical restrictions. However, 12 the support cited by the government in Stickley 13 was apparently limited to excerpts from the legislative debate on Article 1 Section 13, and 15 an example that Virginia prohibited firearms in state parks from at least 1965 to 2012. 16 17 The defendants in this case have provided a much more extensive compilation. With 19 regard to the applicable historical analysis, this Court incorporates by reference appendix B 21 to their opposition to this motion for a 22 preliminary injunction, which provides a 23 historical review of applicable laws which 24 predate 1971 and the enactment of Article 1 25 Section 13. Based upon a thorough examination of



7

11

14

18



1 the historical sources cited, ample historical 2 basis exists for the prohibition of firearms in 3 public parks and at public events consistent with that sought in the applicable Fairfax ordinance. 5 The defendants have met their burden to demonstrate that the firearms restrictions in the 6 7 Fairfax ordinance are consistent with historical tradition. 8 9

In the words of the Bruen court, cases implicating unprecedented societal concerns or dramatic technological changes may require a more nuanced approach. Parks in the modern sense did not come into being until the mid-19th century, as the modern concept of a public park emerged in the 19th and 20th century. There are numerous examples of legislation designed to limit the right to carry weapons in such spaces. In examination of the unique characteristics of county parks as covered through the testimony of various witnesses at the trial of this preliminary injunction reveal that Fairfax County, in Fairfax County the majority of visitors to the parks include families and children attending athletic events, educational programming, and family-oriented events.



10

11

12

13

14

15

16

17

18

19

20

21

22

23

24



uses make the parks more akin to a sensitive place like a school or recreation center.

1

2

3

4

5

6

7

8

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

The Court in this opinion does not need to analyze or reach the issue of whether the county parks fall within the sensitive places doctrine. First, there is no Virginia Supreme Court jurisprudence commanding such a decision on the issue, but second, this Court is not reaching that analysis for purposes of a decision on the request for a preliminary injunction. certainly, the Digiacinto court left open the argument on that issue when considering restrictions on George Mason University. light of the historical traditions of firearms regulations in parks and at public events, this Court finds that for purposes of this specific case and the challenge mounted by the plaintiffs under the Virginia Constitution alone, the plaintiffs have not yet met the first prong of the test for a preliminary injunction regarding the Fairfax ordinance and their ability to succeed on the merits regarding a constitutional challenge to that ordinance.

Turning to the second prong of irreparable harm, Virginia courts have held that





a temporary violation of a constitutional right is enough to establish irreparable harm, and the Court relies on the case of Lynchburg Range & Training vs. Northam, which is 105 Va. Circuit 159, a 2020 case. Further, as the U.S. Supreme Court has recently noted in Bruen, the constitutional right to bear arms in public for self-defense is not a second-class right, subject to an entirely different body of rules than other guarantees, and that's Bruen at 2156. government, on the other hand, the potential harm to the defendants if the injunction is granted is clear, at any time the government is joined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury, and that's citing to the Maryland vs. King case, 567 U.S. 1301 in 2012. Here, the plaintiffs waited to seek a preliminary injunction until January 2023, two years after the suit was originally filed and only eight months before the current trial date. Courts often deny preliminary injunctive relief when a party substantially delays moving for a preliminary junction because such delay reflects a lack of irreparable harm. At first glance, the



1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24



filing timeline of plaintiffs' motion undermines

2 their claim for irreparable harm, and for this, the Court relies on the Clint's case at 872 F. 3 2nd, page 80. 4 5 Because a preliminary injunction 6 is promised on an urgent need to protect the 7 rights of the plaintiff, a delay in seeking 8 relief suggests that it's not necessary. However, the plaintiffs' delay in seeking the 10 relief in this case was at least partially due to 11 their strategic decision to first seek summary 12 judgment, which was denied relatively recently in 13 November 2022. The trial date was originally set 14 for November of 2022 before being continued to 15 September of this year. The Court is not 16 persuaded that the delay in raising the 17 preliminary injunction operates a bar as to the 18 conclusion for irreparable harm, and on this 19 point, the plaintiffs would carry the day. 20 With respect to the balance of 21 equities under this factor, the plaintiffs must 22 demonstrate that the harm to them before the 23 trial on the merits without the requested relief 24 would be greater than the harm to the county. 25 For this, the Court relies on the King case at





```
567 U.S. 1303.
 1
 2
   (WHEREUPON, the Court conferred with someone in
 3
   the courtroom.)
 4
                   THE COURT: The court reporter?
                                                     Ι
 5
   think we've lost the court reporter. We don't
 6
   see her on the screen. Does anybody else see her
 7
   on theirs?
 8
                  MR. HALBROOK:
                                  Yes.
 9
                  MR. KAY:
                             I see her on there.
                   MR. HALBROOK: She's here.
10
11
                   CLERK:
                           She's back.
12
                   THE COURT: Okay, never mind.
13
   Sorry.
14
                  MR. KAY: No worries.
15
                   THE COURT:
                               We lost her on our
   end, I guess. So turning back to the public
16
17
   interest factor, analogous to the discussion,
18
   Virginia courts have held that the public
19
   interest favors enjoining a constitutional
20
   violation not allowing the unconstitutional
21
   application of a statute to perpetuate, and for
22
   that the Court relies on Elhert vs. Settle, 105
23
   Va. Circuit 544, a 2020 case. Here, the public
24
   interest factor is disputed as follows.
25
   plaintiffs argue that because there is a
```





constitutional right to publicly carry a firearm 1 for self-defense, it is in the public interest to 2 3 preserve this right and grant the injunction. Then defendants respond that the ordinance was 4 5 designed to protect public safety and reduce the gun violence, so an injunction would not be 6 7 against public interest. On this factor, with 8 respect to the weighing of both the plaintiff and 9 the defendant's claim, the Court finds that the 10 plaintiff would carry the day as to the public 11 interest associated with the potential 12 constitutional right. 13 But after an examination of all 14 the factors with respect to a preliminary 15 injunction, the Court finds that the plaintiff 16 has not met their burden to establish a right to 17 this extraordinary remedy based upon the Court's 18 belief that there is not a likelihood of success 19 as to the first prong of the preliminary injunction review. And as a result, the Court, 20 21 this Court is denying the request for a 22 preliminary injunction. After filing suit in 23 2021, the plaintiffs delayed for two years before 24 making this request, and in assessing the 25 plaintiffs' likelihood of success on the merits,





```
1
   this is drawn into question when examining this
   case under the historical framework provided by
 2
 3
   the U.S. Supreme Court, given that the plaintiffs
   have chosen to pursue a remedy under the Virginia
 4
 5
   Constitution alone.
 6
                   So that is the Court's ruling.
 7
   Are there any questions as to my ruling?
 8
                   MR. KAY:
                             I don't have, we don't
 9
   have any questions on our side. Do you want us
10
   to prepare an order, Judge? Or are you going to
11
   prepare one?
12
                   THE COURT:
                               I would appreciate if
13
   you would prepare one, Mr. Kay, and if you could
14
   circulate it to counsel and then you can file it
15
   through chambers.
16
                  MR. KAY:
                             Will do.
17
                   MR. MAYFIELD: Nothing from
   plaintiffs, Your Honor.
19
                   THE COURT:
                               Thank you. And given
20
   that I have no questions from anyone, I will go
21
   ahead and adjourn for the morning, and I hope
22
   you-all enjoy the rest of your week.
23
                  MR. MAYFIELD: Thank you, Your
24
   Honor.
25
                  MR. KAY: Have a nice week.
```





```
1
                     THE COURT:
                                  Thank you.
 2
                     MR. HALBROOK:
                                      Thank you.
   Goodbye.
 3
 4
                     THE COURT:
                                  Same to you.
 5
    (WHEREUPON, the JUDGE'S RULING was concluded at
 6
   9:27 a.m.)
 7
 8
 9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
```





```
1
                            CAPTION
 2
   The foregoing matter was taken on the date, and at
 3
   the time and place set out on the title page hereof.
 4
 5
   It was requested that the matter be taken by the
 6
 7
   reporter and that the same be reduced to typewritten
 8
   form.
 9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
```





CERTIFICATE OF REPORTER AND SECURE ENCRYPTED SIGNATURE AND DELIVERY OF CERTIFIED TRANSCRIPT

I, Cheryl Renee Lane, Notary Public, do hereby certify that the foregoing matter was reported by stenographic and/or mechanical means, that same was reduced to written form, that the transcript prepared by me under my direction, is a true and accurate record of same to the best of my knowledge and ability; that there is no relation nor employment by any attorney or counsel employed by the parties hereto, nor financial or otherwise interest in the action filed or its outcome.

This transcript and certificate have been digitally signed and securely delivered through our encryption server.

IN WITNESS HEREOF, I have here unto set my hand this 25TH day of MAY, 2023.



Cheryl Renee Lane

Court Reporter / Notary

Notary Registration Number: 7864242

My Commission Expires: 05/31/2024

2.4





Larave, et al. v	rs Fairiax, et al. Judge's Ruling) May 24, 2023 VR # 0	13161-9 Page 32
1	1600s 21:3	20th 22:15	9
1 7:18 7:19	1791 17:16	2111 10:25	9 9:01 5:5
11:12 11:24	18:16 20:13	2132 17:4	
12:11 12:22 13:1 13:17	18 6:3	2156 24:10	9:27 29:6
13:22 15:15	1868 17:18	22 6:10	A
15:17 18:1	18:17		a.m 5:5 29:6
18:4 18:15	1960s 19:13	220 8:21	ability
19:2 19:5	21:3	24 5:4	19:22 23:21
19:19 19:21	1965 21:16	27 5:24	absence 10:3
20:15 20:19 21:14 21:24	1971 18:2	281 11:5	20:6
100 18:21	18:13 19:2	289 8:21	according
105 24:4	21:24	29 7:10	17:2 18:16
26:22	19th 22:15	2nd 25:4	acting 7:12
109 9:23			addition
11 7:19	20 5:16	5	21:1
127 11:5	2011 11:5	5 17:12	addressing
13 7:18	2012 21:16	544 26:23	16:23
11:12 11:24	24:17	554 17:11	adequacy
12:11 12:22	2015 8:21	567 24:17	9:16
13:2 13:17	9:12	26:1	adjacent 7:1
13:23 15:15 15:17 18:2	2020 6:8	6	14:9
18:5 18:15	6:11 6:18	6-2-1A 6:19	adjourn
19:2 19:5	24:5 26:23	6-2-1A2 6:23	28:21
19:20 19:22	2021 5:20	6-2-1A4 6:25	adopt 18:14
20:15 20:19	7:10 9:9		adopted 7:4
21:14 21:25	9:24 27:23	634 17:12	17:10 18:2 18:17 18:18
1301 24:17	2022 5:22	7	
1303 26:1	10:25 12:5	7 5:22	adoption 17:17 17:18
142 10:24	12:5 14:5 25:13 25:14	71 9:24	advisement
15.2-915	2023 5:4		5:18
6:12	5:17 5:24	8	afforded
159 24:5	6:3 24:19	80 25:4	19:24
		872 25:3	
•	l I		





Larave, et ar. v	is Fairfax, et al. Judge's Rulin	g May 24, 2023 VR # 0	3181-9 Page 33
against 7:11	16:10	11:17 17:21	12:23 15:18
27:7	analogous	19:18 21:19	16:8 18:14
agreement	15:3 15:7	21:23 22:4	18:22 19:9
10:11	16:13 21:10	application	21:5 24:7
ahead 28:21	26:17	10:14 13:5	article 7:18
	analysis	18:6 20:3	7:19 11:3
akin 23:1	10:12 11:17	26:21	11:12 11:24
al 5:8	11:22 13:4	applied 8:1	12:11 12:22
allegations	13:24 14:3	8:13 8:17	13:1 13:17
9:17	15:13 15:22	11:21 14:2	13:22 15:15
alleged 6:7	15:23 16:16	apply 11:13	15:17 18:1 18:4 18:14
	16:24 17:15	15:22 17:14	19:2 19:5
allowing	18:7 18:12	18:18	19:19 19:21
26:20	19:3 19:21	applying	20:15 20:19
alone 10:21	20:9 20:12	20:21	21:14 21:24
13:10 13:21	20:21 21:19 23:9		Assembly
23:18 28:5		<pre>appreciate 28:12</pre>	6:11 15:16
amend 11:2	analyze		18:20
amended 6:11	15:10 20:10	approach	
amendment	23:4	22:12	assert 18:3
11:19 12:1	analyzed	appropriate	asserted
12:10 12:24	11:8 19:4	8:24 17:21	9:18
13:8 13:10	analyzing	April 6:10	asserting
13:16 16:2	11:2 11:14	areas 6:10	8:1
16:9 17:17	ANN 5:3	6:16 8:5	asserts 7:14
17:19 18:4	anybody 26:6	argue 8:11	assessing
18:17 18:18		26:25	27:24
18:19 19:25	anyone 28:20		
20:1 20:6	apparently	argument 23:12	associated 27:11
20:11 20:13 20:20 21:4	21:13		
	appearing	arguments	Association
Amendments	5:11	6:5 8:22	10:24
17:25 19:10	appendix	arise 10:14	associative
amongst 19:7	21:6 21:20	arises 6:7	19:19
ample 22:1	applicable	13:24	athletic
analogies	6:6 9:1	arms 7:17	22:24
	10:11 11:13	11:15 11:23	attack 10:21





Larave, et al.	s Fairfax, et al. Judge's Ruling	0 May 24, 2023 VR # 01	13181-9 1 49012 Page 34
attempt 7:8	14:18 15:12	9:24 10:10	6:22 13:19
attending	15:22 16:7	10:16 10:25	challenges
22:24	16:16 16:25	12:2 12:3	20:2
authority	17:3 17:11	12:5 12:6	chambers
6:13	17:13 17:15	12:7 12:13	28:15
0.10	18:7 19:14 20:22 20:24	13:6 13:10 13:13 13:15	
В	20:22 20:24	13:13 13:13	changes 22:11
balance 10:4	24:10	14:1 14:5	
10:7 25:20		14:7 15:4	characterist
bar 25:17	Bruen's	15:8 16:9	ics 22:18
	15:23	16:20 17:11	chief 7:12
based 8:22	Bugg 5:21	18:7 18:10	children
21:25 27:17	buildings	18:12 20:2	22:24
basis 22:2	6:15	20:10 20:17	chose 18:14
bear 7:16	burden 14:18	20:19 21:17	18:20
11:15 11:23	16:18 22:5	23:17 24:3	chosen 28:4
12:23 15:18	27:16	24:5 24:17	
18:14 18:22		25:3 25:10 25:25 26:23	CHRISTIE 5:3
19:9 21:5	C	28:2	circuit 9:24
24:7	campus 12:15		12:3 13:24
belief 27:18	12:17 12:19	cases 12:2 12:6 22:10	14:2 15:2
believe 12:9	carries 8:4		24:4 26:23
believes	carry 8:2	center 23:2	circulate
15:12	14:15 16:13	century	28:14
bike 8:9	22:17 25:19	22:14 22:15	circumstance
	27:1 27:10	certain 6:10	s 9:7 12:12
Bill 17:20	carrying	7:2	cited 21:12
Board 9:9	16:8	certainly	22:1
body 24:9	case 5:7	23:11	cities 6:13
bound 18:24	5:19 6:1	challenge	citing 16:10
20:9	6:20 6:23	8:15 10:20	24:16
Bowyer 9:11	7:14 7:20	11:14 13:16	
Briar 9:11	8:20 8:21	17:24 20:6	city 12:3 12:4 13:25
	8:23 9:7 9:8 9:9	20:10 23:17	14:1 14:4
Bruen 10:24	9:10 9:10	23:23	14:8 14:17
11:19 11:21	9:12 9:23	challenged	14:24 21:9
12:13 14:2	3.12 3.20		





Larave, et al. v	/s Fairiax, et al. Judge's Rulin	g May 24, 2023 VK # 0	13181-911 49012 "Page 35
CL2021-1569	7:13	considering	s 13:6 20:8
5:8	compliance	23:12	Constitution
claim 11:10	7:9	consistent	's 17:1
15:3 25:2	comprehensiv	6:17 14:19	contained
27:9	e 14:12	16:5 16:8	12:22
claims 10:8	concept	16:20 22:3	
clear 11:18	22:14	22 : 7	contemplate 9:15
15:15 24:13		constitutes	
	concerns	7 : 15	context 8:19
CLERK 26:11	22:10	constitution	15:1
Clint's 25:3	conclude	7:17 10:21	continue
code 6:9	19:20	11:3 11:11	19:11
6:12 6:18	concluded	11:16 11:24	continued
coextensive	29 : 5	12:1 12:11	25 : 14
11:25 12:12	conclusion	12:21 12:25	control
13:11 18:6	5:17 20:14	13:2 13:7	19:22
20:8 20:20	20:16 20:18	13:11 13:17	
collectively	25:18	13:18 13:21	controlling
7:12	conduct	14:13 15:18	
	14:14 15:20	16:3 17:6 17:18 17:20	counsel 6:5
combined	15:25 16:4	17:25 18:1	28:14
	conferred	18:4 18:5	counties
comes 17:5	26:2	18:23 19:1	6:13 7:24
commanding		19:10 20:1	county 5:7
23:7	confined	20:4 21:4	5:25 6:9
Commonwealth		23:18 28:5	6:18 6:24
8:20 9:11	confining	constitution	7:3 7:11
10:22 12:4	20:11	al 7:16	7:14 8:8
19:23	confirm 7:6	8:19 10:17	8:10 8:12
compendium	conform 7:6	10:19 11:14	9:2 9:9 9:24 13:20
21:2	consider	11:17 12:18	22:19 22:22
competing	10:8	16:1 16:14	22:22 23:5
10:8		17:8 20:3	25:24
compilation	consideratio	23:22 24:1	
20:25 21:18	n 9:6 11:1	24:7 26:19	county- maintained
	considered	27:1 27:12	8:10
complaint	13:15	Constitution	0.10





			3181-97 PageID#Page 36
county-owned	26:22 27:9	debate 19:7	demonstratin
8:6	27:15 27:20	21:14	g 16:5
county's	27:21 28:3	debates	denied 5:21
7:12	28:12 28:19	19:12	25 : 12
course 15:25	29:1 29:4	debating	deny 24:22
court 5:6	courtroom	17:15	denying
5:14 5:18	26:3	decision	27:21
6:6 8:14	courts 9:21	15:4 23:7	
8:21 8:23	11:22 16:10	23:9 25:11	deposition
9:8 9:15	17:16 23:25	declared	7:25
9:19 9:22	26:18	17:8	designed
10:7 10:18	court's 15:2		22:16 27:5
10:25 11:6	Courts 24:22	declined	desire 14:14
11:12 11:21	Court's 5:9	13:6	detailed
12:3 12:9	10:12 19:17	defendant	20:25
12:14 12:18	27:17 28:6	15:20	
12:21 13:4		defendants	determine 8:24 16:12
13:12 13:25	cover 15:19	7:13 9:1	
14:2 14:10	covered	16:19 20:24	determined
14:12 14:17 14:23 15:6	14:14 16:1	21:17 22:5	6:1
15:12 15:21	22:19	24:12 27:4	dicta 14:20
15:24 16:16	created 17:6	defendant's	14:22
16:25 17:7	creates	21:6 27:9	different
18:9 19:4	10:21	Defendants	24:9
19:6 19:14	Cross 9:9	11:16	Digiacinto
19:15 19:20		defense	11:4 12:10
20:4 20:7	current 10:16 24:21	14:16	12:13 12:18
20:9 20:18	10:16 24:21		12:20 13:3
21:8 21:20		delay 24:24 25:7 25:9	13:6 13:14
22:9 23:3	date 17:16	25:7 25.9	13:15 13:23
23:7 23:8	17:18 18:16		14:20 14:22
23:11 23:16	18:17 24:21	delayed	18:3 20:5
24:3 24:6 24:14 25:3	25:13	27 : 23	20:17 23:11
25:15 25:25		delays 24:23	disagreement
26:2 26:4	dating 21:2	demonstrate	10:14
26:4 26:5	day 25:19	14:18 21:9	discretion
26:12 26:15	27:10	22:6 25:22	9:5 9:5





15:6 **else** 26:6 entrances examine 7:7 11:13 discussion emerged 17:12 26:17 22:15 **equal** 17:7 examined 13:22 dispositive emphasis equities 15:8 19:15 10:5 25:21 examining 28:1 disputed emphasized era 18:8 26:24 16:7 example establish 21:15 distinguisha employed 10:1 16:19 **ble** 12:7 24:2 27:16 15:10 examples 22:16 distinguishe enact 6:14 established **d** 12:19 19:11 16:17 20:5 excerpts 21:13 enacted 6:8 **et** 5:8 doctrine **excuse** 12:17 6:18 19:2 23:6 evaluating 20:13 24:14 14:21 16:21 9:20 10:7 dog 8:4 8:9 enactment exercised evaluation Dontae 5:21 15:14 19:5 9:6 11:9 dramatic 19:8 19:19 existence **event** 14:9 22:11 20:15 21:24 19:17 events 7:2 drawn 28:1 encapsulated existing 7:3 14:16 draws 20:15 11:15 19:9 22:3 22:24 **due** 7:18 encompassed exists 22:2 22:25 23:15 14:24 11:18 25:10 everybody exits 7:7 enforcement during 9:14 5:10 explained 5:25 7:4 16:25 everyone 7:5 8:25 5:11 14:4 explaining educate 7:8 evidence 6:4 7:25 enjoined 6:1 educational 15:6 extensive 22:24 enjoining evidentiary 19:6 21:18 14:4 26:19 effect 10:9 5:14 extraordinar 19:8 enjoy 28:22 **ex** 9:11 **y** 9:4 27:17 effectuating enshrined examination 24:14 7:17 17:9 F 8:22 15:13 eight 24:21 entirely facial 8:15 21:25 22:18 24:9 **Elhert** 26:22 27:13 facially





Case 1.2 Parave, et al. V	s Pairfax, et al. Judge's Ruffn	g "May 24, 2023" VR # 61	3981-37 PageID#Page38
8:13	7:11 24:20	framework	24:10
fact 18:20	filing 25:1	9:19 10:15	guess 26:16
factor 11:7 25:21 26:17 26:24 27:7	27:22 finds 15:21 16:16 20:18	11:19 28:2	gun 7:23 19:12 19:17 19:22 27:6
factors 10:7 27:14	23:16 27:9 27:15	General 6:11 15:16 18:20 George 11:4	H
facts 10:15 13:9 13:14 20:19	<pre>firearm 15:1 16:6 27:1 firearms</pre>	12:15 23:13 given 10:16 19:14 28:3	HALBROOK 26:8 26:10 29:2
<pre>factual 9:16 failed 21:9</pre>	6:10 6:15 6:24 7:1 8:2 14:7	28:19 glance 24:25	hand 24:11 harm 9:18 10:3 23:25
Fairfax 5:8 5:25 6:8 6:18 7:3 7:11 7:14	14:15 16:13 16:22 21:1 21:15 22:2 22:6 23:14	Glenn 7:21 GMU 12:19 GMU's 12:16	24:2 24:11 24:25 25:2 25:18 25:22 25:24
7:24 8:7 8:11 9:1 9:24 13:20 14:7 22:4 22:7 22:21 22:22 23:21 fall 23:5	first 7:6 8:16 10:1 10:22 11:7 11:7 13:3 15:10 15:24 16:15 16:17 23:6 23:19	<pre>Goodbye 29:3 government 6:15 16:4 21:12 24:11 24:13 grant 14:3 15:4 27:3</pre>	hear 5:12 hearing 5:10 5:14 5:17 15:6 heavy 19:15 held 11:22
families 22:23	24:25 25:11 27:19 fixed 17:2	<pre>granted 24:12</pre>	12:10 12:14 14:17 23:25 26:18
family- oriented	form 24:15	granting	Heller 17:11
22:25 favor 10:5	forth 9:19 11:19 20:16	10:9 14:11 greater	historical 14:25 16:6
<pre>favors 26:19 federal 9:21</pre>	Fourteen 17:19	12:22 13:8 25:24 grounds	16:11 16:22 16:24 16:25 17:14 17:22
13:5 20:8 21:2	Fourteenth 17:24 18:18 19:10 19:25	13:20 guaranteed	18:7 18:15 19:16 19:24 20:12 20:21
file 28:14 filed 5:24	fourth 10:5	11:25 guarantees	21:11 21:19





21:23 22:1 22:1 22:7 23:14 28:2

history

15:14 17:6 17:14 18:11 19:5 19:18 20:14

hold 13:7

holdings 13:14

Holzhauer

7:21 8:6

Honor 28:18 28:24

Honorable

5:3 5:21

hope 28:21

hopefully

5:11

identical

14:6

identically

6:20 19:24

ignore 18:19

ignores

20:14

I'm 8:19

impact 19:11

implicating

22:10

impression

10:22 13:3

include

22:23

incorporate

15:17

Incorporated

10:24

incorporates

21:20

incorporatin

q 18:21

individual

7:16 7:22 7:24 14:15 15:19

individual's

15:25

injunction

5:15 5:23 8:25 9:4

9:13 10:1 10:6 10:13

10:15 11:9

14:3 14:11

15:5 15:12

21:8 21:22

22:21 23:10

23:20 24:12

24:19 25:5

25:17 27:3

27:6 27:15 27:20 27:22

injunctive

9:20 24:22

injury 10:8 24:16

instant 5:23 15:4

instead 13:9

Institute 9:12

interest

10:6 26:17 26:19 26:24 27:2 27:7 27:11

interpretati

on 13:1 15:2

interpreting

17:5

introspectio

n 19:16

irreparable

10:3 23:25 24:2 24:16

24:25 25:2

25:18

issue 6:19

8:12 8:24 10:20 10:22

13:3 13:13

14:6 14:14

15:9 18:1

23:4 23:8

23:12

issued 14:10

issues 5:13

J

January 5:20

5:24 7:10

24:19

joined 24:13

Judge 28:10

JUDGE'S 5:1

29:5

judgment

5:22 25:12

judicial 9:5

junction

24:24

jurisprudenc

e 10:17

23:7

justices

17:15

justify 16:4

K

Kay 26:9

26:14 28:8

28:13 28:16

28:25

Kimberly

7:21

King 24:17

25:25

L

lack 24:25

LaFave 5:7

7:21 8:3

language

6:21

late 19:13





law 6:6 8:23 11:18 15:10

laws 18:8 20:25 21:23

LEARY 5:3

least 21:16
25:10

leave 19:20

legislation

19:12 19:17 22:16

legislative

15:14 19:18 20:14 21:14

legislature

18:13 18:24 19:7

lengthy

20:24

lesser 12:22

letter 14:12

light 23:14

likelihood

15:3 27:18 27:25

likely 10:1
10:2

limit 22:17

limited

13:14 18:8 21:13

limits 6:9

litigation 5:19 9:15

lives 8:6

LLC 9:23

local 20:25

locations

7:8 14:24

logic 18:9

lost 26:5 26:15

Loudoun 7:23 9:8

Lynchburg 24:3

М

magnitude

9:17

majority

22:22

March 5:10 5:16

Maryland

24:17

Mason 11:5 12:15 23:13

matter 5:13

5:16 5:18 6:2 6:7

may 5:4 9:15 16:8 22:11

MAYFIELD

28:17 28:23

meaning 17:2

meant 9:13

15:16

mentioned 12:2

mere 15:21

merits 6:2 10:2 23:22

25:23 27:25

met 14:18

16:18 22:5 23:19 27:16

mid-19th

22:13

militia

15:21

mind 26:12

mirrors 6:20

modern 16:12

22:12 22:14

months 24:21

morning 5:9

28:21

motion 5:21

5:23 5:24 21:6 21:21

25:1

mount 8:15

mounted

23:17

moving 24:23

N

namely 14:14

nation's

16:21

nature 9:6

nearly 18:21

necessary

25:8

nice 28:25

nor 19:22

Northam 24:4

note 11:16 13:15

noted 24:6

notes 13:12

Nothing

14:20 28:17

noting 14:21

November

5:22 25:13

25:14

nuanced

22:12

numerous

22:16

0

occurred

19:13

officers 7:6

official 7:4

okay 5:12 26:12

ongoing 5:19

7:15 9:14

open 23:11

operable

17:13 18:11





LaFave, et al.	vs Fairfax, et al. Judge's Rulin	g May 24, 2023 VR # 0	3181-9 Page 41
operates	14:23 21:1	16:7 16:11	13:22
25:17	21:16 22:3	16:14 23:5	precedent
opinion	22:12 22:19	plain 14:13	11:1 12:8
13:25 14:12	22:23 23:1	15:16 16:1	predate
23:3	23:5 23:15	plaintiff	21:24
opposition	partially	8:3 8:5 8:9	
21:7 21:21	25:10	8:14 9:25	<pre>preliminary 5:15 5:23</pre>
order 28:10	particular	25:7 27:8	6:1 8:25
	9:7 11:2	27:10 27:15	9:3 9:13
ordinance	11:3	plaintiffs	9:20 9:25
5:25 6:19	parties 7:2	5:15 5:21	10:4 10:13
6:20 6:22	8:23 9:14	7:10 7:20	10:15 11:8
7:5 7:15 8:1 8:12	10:10	7:22 7:24	11:9 14:3
9:2 10:20	party 10:9	8:11 9:16	14:11 15:5
11:11 13:20	24:23	10:19 11:10	15:11 21:7
14:5 14:5		13:19 16:17	
14:24 16:20	<pre>people 17:10 24:15</pre>	17:23 18:2	23:10 23:20
22:4 22:7		20:4 23:17	24:19 24:22
23:21 23:23	period 17:13	23:19 24:18	24:24 25:5
27:4	18:11 20:12	25:1 25:9	25:17 27:14
ordinances	permanent	25:19 25:21 26:25 27:23	27:19 27:22
6:14	14:9	27:25 28:3	prepare
originally	permissible	28:18	28:10 28:11
24:20 25:13	16:14	please 5:12	28:13
otherwise	perpetuate	_	prepared 6:6
6:24	26:21	point 25:19	pre-
	personally	<pre>points 10:13</pre>	reconstruct
owners 7:23	8:1	<pre>police 7:12</pre>	ion 18:8
P	persuaded	<pre>policy 7:4</pre>	preserve
page 17:4	18:9 25:16	Popelka 9:23	9:13 27:3
25:4	physical 8:8	possession	presumptivel
park 22:14	Piper 9:23	6:9	y 16:3
parks 6:15	Pistol 10:24	posted 7:7	prevent 8:25
6:24 6:25	placed 19:15	potential	previously
8:8 8:10	-	24:11 27:11	12:2
14:8 14:16	places 14:25	precedence	prior 5:10
		<u>-</u> = = = = = = = = = = = = = = = = = = =	





12:13 13:23 12:23 6:12 qualifying 20:17 7:7 reference protects procedural 16:3 21:20 question 19:4 8:17 8:18 provide 21:5 referred 28:1 process 7:19 6:24 7:2 provided 7:13 questions productions 13:7 20:24 28:7 28:9 19:21 21:18 28:2 referring 28:20 8:20 programming provides **quo** 9:14 6:13 21:22 reflects 22:25 quoting 9:10 24:24 provision prohibited 17:11 16:8 21:15 6:9 regard 16:15 21:19 prohibiting provisions R 16:12 21:1 6:22 regarding raising 14:21 14:22 prohibition public 6:10 25:16 20:23 23:20 12:16 22:2 10:6 14:8 **Range** 24:3 23:22 14:16 14:16 prohibits ratified 14:21 14:22 regards 5:9 7:5 14:7 17:3 22:3 22:3 11:8 promised 22:14 23:15 **reach** 23:4 registered 25:6 24:7 26:16 7:23 reaching 26:18 26:23 **prong** 15:11 23:8 regular 8:7 16:15 16:17 27:2 27:5 27:7 27:10 reasonable 23:19 23:24 regulate 19:12 27:19 19:22 publicly 8:3 recently 27:1 properties regulation 5:20 11:19 15:1 16:5 8:7 purposes 24:6 25:12 16:6 16:22 13:4 13:9 proposed 21:2 record 5:7 18:11 20:18 15:25 23:9 23:16 regulations recreation propriety 16:11 16:12 23:2 10:12 pursuant 23:15 18:3 recreational protect 25:6 rel 9:11 6:16 pursue 28:4 27:5 relatively Rector 11:4 protection Q 25:12 13:8 reduce 27:5 qualified relevant protections reenacted 12:15 8:23 13:9





24:19 25:11 27:8 27:14 29:5 17:1 seeking 9:25 relief 9:20 respond 27:4 10:4 10:10 25:7 25:9 rest 28:22 safety 27:5 24:22 25:8 **self** 14:15 restrict 25:10 25:23 school 9:9 6:14 self-defense 23:2 relies 24:3 8:3 8:4 restriction 25:3 25:25 **scope** 17:9 24:8 27:2 6:25 7:3 26:22 screen 26:6 **sense** 18:23 restrictions relying 9:8 22:12 second 10:2 14:19 21:10 9:22 11:18 12:1 sensitive 21:11 22:6 remedy 9:4 12:10 12:24 23:13 12:16 12:19 27:17 28:4 13:8 13:10 14:25 16:7 restricts 13:16 16:9 reporter 16:11 16:13 6:23 7:1 17:17 17:24 26:4 26:5 23:1 23:5 rests 9:4 18:3 18:16 September representati 15:5 18:19 19:9 6:3 6:18 **ves** 24:15 19:25 20:6 **result** 16:18 25:15 request 5:15 20:11 20:13 27:20 **Settle** 26:22 15:7 15:11 20:20 20:23 reveal 22:21 21:7 23:10 23:8 23:24 settled 27:21 27:24 review 6:4 13:13 second-class 18:15 19:18 requested 24:8 **share** 19:1 21:23 27:20 25:23 section 6:12 **She's** 26:10 reviewed requests 6:19 6:23 26:11 12:21 19:6 5:24 6:25 7:18 **shifts** 16:18 **Rifle** 10:23 7:19 11:12 require 11:24 12:11 showing 8:16 **rights** 11:25 22:11 12:22 13:2 17:8 17:20 signage 7:6 required 13:17 13:23 25:7 15:11 15:13 significance 15:15 15:17 Robert 7:21 10:18 19:14 18:7 18:12 18:2 18:5 20:21 **rule** 6:7 18:15 19:2 societal requires 15:9 20:5 19:5 19:19 22:10 19:21 20:15 11:12 **rules** 24:9 **sole** 11:1 20:19 21:14 reside 7:23 ruling 5:1 someone 26:2 21:25 5:9 14:11 respect **Sorry** 26:13 **seek** 7:8 18:10 25:20 28:6 28:7





10:25 11:6 15:21 18:6 sought 22:4 strategic 11:21 12:14 20:9 25:11 sound 9:5 12:20 16:25 **Third** 10:4 streets sources 17:1 17:7 19:15 14:21 14:22 thorough 22:1 23:6 24:5 21:25 strength 28:3 **spaces** 22:17 11:10 throughout surrounded specific subject 24:8 16:23 8:6 9:19 23:16 submitted thus 20:11 surrounding specifically 6:5 15:14 20:16 21:6 timeframe substance 19:13 19:24 **Sweet** 9:11 standard 9:16 timeline 9:22 10:11 17:22 25:1 11:13 substantiall Talbon 7:22**y** 24:23 tips 10:5 **state** 10:16 8:9 10:23 20:25 succeed 10:2 Toghill 8:20 21:16 23:22 technologica towns 6:13 **1** 22:11 stated 8:14 success 15:3 tradition 27:18 27:25 technology **states** 12:24 14:19 16:6 5:13 16:23 16:24 successful 16:22 18:15 17:7 17:21 8:15 temporary 22:8 18:19 24:1 suffer 10:3 traditional status 9:14 test 23:20 21:11 suffers statute 6:17 24:15 testimony traditions 6:21 8:16 22:19 23:14 suggest 8:16 8:18 18:23 **text** 14:13 trails 8:10 26:21 15:17 16:1 suggests training 8:8 statutes 15:20 25:8 **Thank** 28:19 24:4 24:14 28:23 29:1 **suit** 7:11 trial 5:2 **step** 20:23 29:2 24:20 27:22 5:16 6:2 Stickley theirs 26:7 6:2 22:20 summary 5:22 12:5 14:1 24:21 25:13 25:11 themselves 14:6 14:10 25:23 18:25 support 14:17 14:23 **true** 11:20 21:12 then-sitting 15:1 15:7 19:7 turning 11:7 Supreme 8:14 19:3 21:8 15:9 23:24 21:12 8:21 9:18 therefore





10:21 10:23 26:16 11:5 12:15 W 23:13 11:1 11:3 two-step wait 18:21 11:5 11:11 unless 7:5 15:23 11:15 11:17 **waited** 24:18 typically unprecedente 11:20 11:22 wake 10:23 9:21 **d** 22:10 11:23 12:11 20:22 12:14 12:20 **upon** 8:22 IJ walker 8:4 12:21 13:2 9:6 21:25 U.S 12:1 13:5 13:7 27:17 walking 8:8 13:17 17:12 13:11 13:18 urgent 25:6 walks 8:5 17:17 17:19 13:21 13:22 user 8:7 18:4 19:10 warning 7:6 14:13 15:2 20:1 24:5 15:16 15:18 weapons 24:17 26:1 17:25 18:1 12:17 22:17 28:3 Va 8:21 9:24 18:5 18:13 Webex 5:11 11:5 24:4 18:20 18:22 **un** 12:17 WEDNESDAY 26:23 18:24 18:25 unconstituti 19:11 19:23 5:4 various onal 8:12 20:3 20:7 22:20 week 28:22 8:17 26:20 21:4 21:15 28:25 veracity unconstituti 23:6 23:18 9:17 weighing onality 6:8 23:25 26:18 27:8 **via** 5:11 28:4 undermines we've 26:5 Virginia's violates 25:1 16:21 19:8 11:11 Whereas understandin 17:23 virtually violation **q** 18:25 7:15 8:2 14:6 WHEREUPON understandin 24:1 26:20 26:2 29:5 visitors **qs** 17:2 violators 11:4 22:23 whether 8:24 understood 7:9 11:10 12:21 voluntary 17:9 17:10 15:24 16:2 violence 7:9 undertaken 16:19 17:16 27:6 **vs** 5:7 8:20 17:13 20:12 23:4 Virginia 9:9 9:11 **unique** 22:18 Winchester 6:11 6:12 9:23 10:24 12:4 13:25 **United** 12:24 6:21 7:16 11:4 12:4 14:1 14:2 16:23 16:24 7:17 8:13 14:1 24:4 14:4 14:8 17:7 8:21 9:3 24:17 26:22 19:4 21:8 9:18 9:21 University





<u> </u>	 	
<pre>withholding 10:9</pre>		
witnesses		
22:20		
WL16950948 12:5		
WL6364691 9:12		
WL9276274 9:10		
wooded 8:5		
worries		
26:14		
Y		
<pre>yet 11:18 11:21 23:19</pre>		
York 10:23		
you-all		
28:22		
Z		
Zachary 9:23		



